



**Isle of Man**  
Government

*Reiltys Ellan Vannin*

**DEPARTMENT OF ENVIRONMENT FOOD AND AGRICULTURE**

**TOWN AND COUNTRY PLANNING ACT 1999  
TOWN AND COUNTRY (DEVELOPMENT PROCEDURE) ORDER 2019**

**Agenda for a meeting of the Planning Committee, 11th March 2024, 10.00am, in the Ground Floor Meeting Room of Murray House, Mount Havelock, Douglas**

**Please note that participants are able to attend in a public meeting in person or virtually via Microsoft Teams. For further information on how to view the meeting virtually or speak via Teams please refer to the Public Speaking Guide and 'Electronic Planning Committee – Supplementary Guidance' available at [www.gov.im/planningcommittee](http://www.gov.im/planningcommittee). If you wish to register to speak please contact DEFA Planning & Building Control on 685950.**

**1. Introduction by the Chairman**

**2. Apologies for absence**

**3. Minutes**

To give consideration to the minutes of a meeting of the Planning Committee held on the 26<sup>th</sup> February 2024.

**4. Any matters arising**

**5. To consider and determine Planning Applications**

Schedule attached as Appendix One.

Please be aware that the consideration order, as set down by this agenda, will be revisited on the morning of the meeting in order to give precedent to applications where parties have registered to speak.

**6. Site Visits**

To agree dates for site visits if necessary.

**7. Section 13 Agreements**

To note any applications where Section 13 Agreements have been concluded since the last sitting.

**8. Any other business**

**9. Next meeting of the Planning Committee**

Set for 25<sup>th</sup> March 2024.

**PLANNING COMMITTEE Meeting, 11th March 2024**  
**Schedule of planning applications**

<p><b>Item 5.1</b> Tennis Courts Marine Parade Peel Isle Of Man</p> <p><b>PA23/01360/A</b> <b>Recommendation : Permitted</b></p>	<p>Approval in Principle for the redevelopment of the site to provide cafe, bowling clubhouse, community facilities and public toilets.</p>
<p><b>Item 5.2</b> Ballamaddrell Cottage Grenaby Road Ballabeg Castletown Isle Of Man IM9 4HD</p> <p><b>PA23/00759/B</b> <b>Recommendation : Permitted</b></p>	<p>Alterations to previously approved planning application 22/00473/B with a glazed link to modern two storey extension to rear</p>
<p><b>Item 5.3</b> 67 Strand Street Douglas Isle Of Man IM1 2EN</p> <p><b>PA23/00352/B</b> <b>Recommendation : Refused</b></p>	<p>Installation of a pitched roof and creation of additional flat to the rear.</p>
<p><b>Item 5.4</b> 25A Market Street Douglas Isle Of Man IM1 2PA</p> <p><b>PA24/00064/B</b> <b>Recommendation : Permitted</b></p>	<p>Conversion of garage &amp; store into a 2 Bedroom dwelling with an additional storey added to the existing building - amendment to PA 23/00898/B</p>
<p><b>Item 5.5</b> Unit 5 The Shipyard Shipyard Road Ramsey Isle Of Man IM8 3DT</p> <p><b>PA23/01502/C</b> <b>Recommendation : Permitted</b></p>	<p>Additional use from Class 2.2 (Light Industry) to Classes 2.2 (Light Industry), 2.1 (Office) and 1.1 (Shops) (Retrospective)</p>
<p><b>Item 5.6</b> Land Adjacent To Ocean View Baltic Road Kirk Michael Isle Of Man IM6 1EF</p> <p><b>PA23/01400/B</b> <b>Recommendation : Permitted</b></p>	<p>Erection of stable block on existing concrete base (retrospective), construction of equestrian manege and change of use of field</p>

## PLANNING AUTHORITY AGENDA FOR 11th March 2024

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### Item 5.1

**Proposal :** Approval in Principle for the redevelopment of the site to provide cafe, bowling clubhouse, community facilities and public toilets.

**Site Address :** Tennis Courts  
Marine Parade  
Peel  
Isle Of Man

**Applicant :** Peel Town Commissioners

**Application No. :** [23/01360/A](#) - click to view

**Planning Officer :** Mrs Vanessa Porter

**RECOMMENDATION:** To APPROVE the application

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### Recommended Conditions and Notes for Approval

#### C : Conditions for approval

#### N : Notes (if any) attached to the conditions

C 1. Application for approval of the reserved matters shall be made to the Department before the expiration of two years from the date of this approval and thereafter the development shall only be carried out in accordance with the details as approved.

Reason: To avoid the accumulation of unimplemented planning approvals.

C 2. Approval of the details of siting, design, external appearance of the building[s], internal layout of buildings, drainage, and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Department in writing before any development is commenced.

Reason: To comply with the Town and Country Planning (Development Procedure) Order 2019.

C 3. Plans and particulars of the reserved matters referred to in condition 2 shall include details of;

- (a) the surface treatment of any hard surfaced external areas and other parts of the site which will not be covered by buildings;
- (b) all external materials (including roofs) to be used in the development;
- (c) existing and proposed ground and floor levels;
- (d) foul and surface water drainage (including storm water outfall and measures to prevent surface water runoff from the site entering the public highway).
- (e) Details of measures in the design which take into account the risk of coastal overtopping
- (f) secure cycle storage for staff and visitors
- (g) bin/recyclables storage facilities

Reason: in the interest of the character of the area, to ensure adequate drainage, to take precautions against consider the risk of coastal overtopping, to ensure adequate bin storage and to promote active travel.

C 4. The Reserved Matters shall be accompanied by a Design Statement, which includes consideration of the site and surroundings and how the building will sit within the area as views from different public vantage points.

Reason: To comply with Strategic Plan Strategic Policy 5.

Reason for approval:

It is arguable whether or not the proposal is a departure from the overall intentions of the development plan policies - although it is not an external sporting facility nor a dedicated tourist facility, it does offer sporting provision and may be of interest to tourists. Therefore, it may be appropriate to take a pragmatic view needs to be taken, with the benefits from this proposal being finely balance. Ultimately the land is being underutilised with the likelihood of it being used to its full advantage being minimal due to a wide variety of factors.

Overall it is considered that the proposal will comply with the overall principles of Strategic Policy 1 and Recreation Policy 2, with all the matters reserved for a future application.

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### **Interested Person Status – Additional Persons**

It is recommended that the owners/occupiers of the following properties should not be given Interested Person Status as they are considered not to have sufficient interest in the subject matter of the application to take part in any subsequent proceedings and are not mentioned in Article 4(2):

Shenndeeagh, Ballaquane Road & 12 Stanley Road as they are more than 20m away from the application site as per the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status

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### **Planning Officer's Report**

THIS APPLICATION IS REFERRED TO THE COMMITTEE AS IT COULD BE REGARDED A DEPARTURE FROM THE DEVELOPMENT PLAN AND IS RECOMMENDED FOR APPROVAL

#### THE SITE

1.1 The application relates to a site located to the Eastern side of Marine Parade, at the end of Peel prom which currently is being used as Tennis Courts. The site fronts onto a parking area at the end of the prom, with the bowling club to one side and open space to the other. To the rear is open space which rises steeply away from the side with various footpaths though, which afford views over the site and to the sea beyond.

#### THE PROPOSAL

2.1 The current planning application seeks an approval in principle of the redevelopment of the existing site to provide a café, bowling clubhouse, community facilities and public toilets.

2.2 Whilst indicative drawings/ a proposed location have been received, all matters are reserved for a future detailed planning application.

2.3 The proposed use classes for the site would be:

- Class 1.3 (café);
- Class 1.4 (takeaway food); and

- Class 4.3 (other community facilities).

2.4 A query was raised on whether the proposal for the site would be Class 4.4 and not 4.3 so that the space could be used for community facilities for the wider public of which the agent on behalf of the applicant confirmed that if approved and accepted by the Bowling Club the site would be used by the Bowling Club only for the area proposed as 4.3 and it would not be available as a public facility. (04.02.24)

2.5 The application provides several indicative drawings and information. This includes a "relocated tennis court", however this is outside the redline boundary and therefore does not form part of this application. Therefore the acceptability of locating a replacement tennis court in that area or the loss of the skate park has not been assessed.

#### PLANNING HISTORY

3.1 The site in which the red line boundary is upon has two applications which are relevant; PA87/01100/A - Approval in principle to hotel/conference/leisure complex, site of miniature golf course/bowling green/headlands/tennis courts/swimming pool, Peel - REFUSED at appeal PA88/01268/A - Approval in principle to hotel development at Marine Parade, Peel, site of existing swimming pool, tennis courts, etc. - PERMITTED

3.2 The surrounding site has had several applications of which the below are recent and relevant;

PA23/00650/C - Former Swimming Pool - Additional use of the site (Class 1.3 Food and drink) as a pop-up lounge bar for 32 operating days from Fri 4th Aug - Sun 3rd Sept with one week before installation from Fri 28th July to the opening on Fri 4th August and one-week de-rig from Monday 4th Sept to Monday 11th Sept - PERMITTED

PA21/01537/B - Former Swimming Pool - Erection of tourist accommodation and marquee for the period 1st May to 30th September 2022 - DEEMED WITHDRAWN

PA11/01345/B - Bowling Green Café - Alterations and extension to provide WC and store - PERMITTED

PA05/01277/A - Former Swimming Pool - Approval in Principle for a hotel leisure complex, residential apartments, and parking spaces - PERMITTED

#### PLANNING POLICY

4.1 The site lies within an area zones as "Tourism" on the Peel Local Plan 1989. The site is not within a Conservation Area or a Flood Risk Zone.

#### 4.2 PEEL LOCAL PLAN

4.2.1 Within the Peel Local Plan written statement there is reference to the site under site 15, which is referenced under paragraph 13.4 which states, "13.4 Part of the marine parade area has already been approved for hotel use and some of the adjoining open space will be required to complete the development."

#### 4.3 AREA PLAN FOR THE NORTH AND WEST

4.3.1 The site lies within an area of "Open Space for Particular Purposes, No.PO007" on the Draft Area Plan for the North and West. Reference within the written statement for PO007 states,

"Open space and community proposal 2:

Site PO007 on the northern end of Peel Promenade is recognised as important recreation and leisure space. Opportunities to enhance these facilities or introduce new compatible uses that would not detract from the primary use of the site for recreation and leisure space will be considered on their merits, taking into account overall scale, design and layout, traffic generation and other planning considerations."

4.3.2 The Draft Area Plan for the North and West is accompanied by a Communities Facilities Audit.

#### 4.4 ISLE OF MAN STRATEGIC PLAN 2016

4.4.1 The following policies from the IOM Strategic Plan are relevant to the assessment of this application;

Strategic Policy 1 - development should be located to make best use of previously developed land, redundant and underused buildings and utilising existing infrastructure

Strategic Policy 2 - Priority for new development to identified towns and villages

Strategic Policy 4(b) - Protection of built heritage and landscape conservation

Strategic Policy 10 - sustainable transport

Spatial Policy 1 - Priority to Douglas for development

Spatial Policy 2 - Identified Service Centres for development

General Policy 2 - detailed 'development control' considerations;

Environment Policy 4 - Wildlife and Nature Conservation

Environment Policy 22 - Protection of the wider environment and properties through nuisances

Environment Policy 42 - Designed to take into account the character and identity of the streetscene

Environment Policy 43 - support proposals for run-down urban and rural sites

Community Policy 7 - designed to prevent criminal and antisocial behaviour;

Community Policies 10 & 11 - implement best practice so as to reduce the outbreak and spread of fire

Recreation Policy 2 - loss of open space or recreation facility (a) (b)

Transport Policy 1 - best located close to existing transport links

Transport Policy 4 which is regarding Highway safety

Transport Policy 7 in connection with Appendix 7 - parking standards;

Infrastructure Policy 5 - methods for water conservation;

#### REPRESENTATIONS

5.1 The following representations can be found in full online, below is a short summary;

5.2 Highway Services have considered the proposal and state, "After reviewing this Application, Highway Services HDC finds it to have no significant negative impact upon highway safety, network functionality and/or parking, as the site is in a sustainable location in the town centre and public parking is provided on the parade. Secure cycle storage for staff and visitors, and bin storage facilities should be provided on the internal layout and therefore conditioned on permission." (01.12.23)

5.3 DOI Flood Risk Management have considered the application and state that the site is not in a high risk flood zone but is at risk of coastal overtopping as such precautions should be made to protect the property from coastal overtopping. (4.12.23)

5.4 Manx Utilities have written in to request on how the surface water will be discharged, (19.12.23) and also that details of the storm water outfall should be included in a detailed application. (20.12.23)

5.5 DOI Highway Drainage have written in to state that allowing surface water runoff onto a public highway would contravene Section 58 of the Highways Act 1986 and the guidance contained in section 11.3.11 of the Manual for Manx Roads. (19.01.24)

5.6 The Owner/Occupier of 12 Stanley Road, Peel have raised comments regarding the use of the existing site and the proposed use of the site.

5.7 The Owner/Occupier of Shenndeeagh, Ballaquane Road, Peel have raised comment regarding the use of the existing site and the proposed use of the site.

#### PREAMBLE

6.1 It is necessary to note that whilst an indicative floor plan and referenced images have been received to show what could be sited on the site, these have not been assessed in detail as the application has reserved all matters.

6.2 Whilst the above is noted, there is a referenced drawing of a proposed elevation within the details provided which would not comply with General Policy 2 or Environment Policy 42 of the Isle of Man Strategic Plan and as such, if approved the plans should be revised.

#### ASSESSMENT

7.1 As the application has reserved all matters, the only issue to consider in this application is if the overall principle of the proposal would be acceptable.

7.2 In the first instance the land zoning of the site needs to be looked at, as per section 4 above, the land zoning under the Peel Local Plan 1989 is for "Tourism" with the proposed draft Area Plan for the North and West zoning the site as "Open Space", each of these matters is considered in turn.

#### OPEN SPACE

7.3 The Strategic Plan divides open space into informal (play areas), amenity and formal (sports facilities). Recreation Policy 2 which seeks that development would not adversely affect or result in a loss of open space or a recreation facility unless there is an alternative provision of equal benefit or where there will be an overall community gain from the proposal.

7.4 The Draft Area Plan for the North and West is accompanied by a Communities Facilities Audit that indicates that Peel has a population of 5710 and:

- 11.18 ha of "amenity facilities", giving 1.96 ha per 1k against the Strategic Plan target of 0.8;
- 5.89 ha sports pitches (0.2 being the bowls club and tennis courts, 3.8 being the QEII fields) giving 1.05 ha per 1k against SPT of 1.8; and
- 0.72 of children's play areas giving 0.13 per 1k, against SPT of 0.6.

7.5 The above indicates that Peel has sufficient amenity space and shortfalls in sports pitches and children's play areas. Therefore the first question is the value of the existing formal public open space (tennis courts) and whether the proposed sporting facility (indoor bowling lanes) is of at least equivalent value.

7.6 When looking at the proposal on face value, the only items which would be benefiting the wider community would be classes 1.3 & 1.4 which would entail a café and a takeaway, with the other parts of the proposal (bar the public toilets), would be used by the bowling green club and as such not open to general members of the public. However, the Strategic Plan at 1.6.2 states that for sporting use land may be included which includes, "Areas described above which are within the private, industrial or commercial sectors, that serve the leisure time needs for outdoor sport and recreation of their members or the public".

7.7 The proposal would result in the total loss of the existing tennis courts. However the provision of indoor bowling lanes could be argued to provide a formal sporting facility which could be more easily used all year round (as the case for the indoor football pitch elsewhere in the town). The available information suggests that it may be possible to provide a

replacement tennis court elsewhere (noting amenity space currently exceeds minimum standards, even though children's play space is deficient) - although refer to paragraph 2.5.

7.8 Although the amount of land/floorspace available for sporting activity is reduced (to allow for the other uses), there are other examples of incidental/ancillary provisions within although reduce the activity area can improve the overall visitor experience. Therefore this is not in principle a reason for refusal.

#### TOURISM

7.9 The site is currently zoned for tourist use, so the second question is whether the proposed use fits with that or, if not, whether there are material issues which would justify a departure.

7.10 Whilst the current land zoning of the site is for "Tourism," and this has been followed through with historic applications, none of the previous tourist applications have been taken up, moreover if the Draft Area Plan for the North and West is taken up, then the land zoning change to "Open Space," in itself shows that the existing land zoning isn't true to the site.

7.11 The Our Island, Our Future - Isle of Man Economic Strategy make it clear that both Tourism and Open Space in the form of leisure facilities form vital parts of moving the Island forward, with this being mirrored in the Isle of Man Strategic Plan 2016 which has policies in place to accept sites into tourist and to protect open space sites.

7.12 Overall it is not considered that the proposal will in practical terms be detrimental to Peel's tourist offer, and the potential of an additional indoor activity during inclement weather may in fact contribute to this.

#### USE OF SITE AND WIDER BENEFIT

7.13 The overarching Strategic Aim of the Isle of Man Strategic Plan 2016 is amount other parts, to make efficient use of land to meet the communities needs whilst having regards to the principle of sustainability and improving the quality of the environment.

7.14 This side of Peel prom can be seen as underused, having visited the site at several different times, the site is not used to its full capacity, whilst the proposal in itself cannot be called a community gain due to their being a specific group of individuals who will gain from the proposal (the Bowling Green Club), ultimately such a proposal will bring the overall area to a higher standard which could introduce a wide variety of users who will over time bring a community gain to the surrounding area.

7.15 Community gain for such a project can be seen in several different ways, with the main way being for the proposal would be the maintenance of this part of the site will push the overall site to be maintained, which will ultimately bring in a wide variety of users. There is also a wide connection with the opening of cafes in such places as this and the connection with the local community by ways of the variety of users to a possible warm space being available.

#### DESIGN

7.16 The site is prominent, both from the adjacent open space, the well-used prom opposite and the various paths within the open space to the rear. It is therefore important that the design for the proposal respects both the site and surroundings in accordance with the relevant policies. The indicative information provided with the application is insufficient to fully assess this, and indeed all matters are reserved. Given the size and regular shape of the site, and limited existing structures adjacent it is considered that there should be opportunity



to produce a suitable design, but any approval in principle of this application should not be regarded as any formal assessment or endorsement of the design approach taken.

## CONCLUSION

8.1 It is arguable whether or not the proposal is a departure from the overall intentions of the development plan policies - although it is not an external sporting facility nor a dedicated tourist facility, it does offer sporting provision and may be of interest to tourists. Therefore, it may be appropriate to take a pragmatic view needs to be taken, with the benefits from this proposal being finely balance. Ultimately the land is being underutilised with the likelihood of it being used to its full advantage being minimal due to a wide variety of factors.

8.2 Overall it is considered that the proposal will comply with the overall principles of Strategic Policy 1 and Recreation Policy 2, with all the matters reserved for a future application.

8.3 Committee should note that a condition has not been attached in relation to replacement tennis courts, but in the event that the committee considered that the proposal was only acceptable subject to this, a Grampian Condition could be considered.

## INTERESTED PERSON STATUS

8.1 By virtue of the Town and Country Planning (Development Procedure) Order 2019, the following persons are automatically interested persons:

- (a) the applicant (including an agent acting on their behalf);
- (b) any Government Department that has made written representations that the Department considers material;
- (c) the Highways Division of the Department of Infrastructure;
- (d) Manx National Heritage where it has made written representations that the Department considers material;
- (e) Manx Utilities where it has made written representations that the Department considers material;
- (f) the local authority in whose district the land the subject of the application is situated; and
- (g) a local authority adjoining the authority referred to in paragraph (f) where that adjoining authority has made written representations that the Department considers material.

8.2 The decision maker must determine:

- o whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
- o whether there are other persons to those listed above who should be given Interested Person Status

## PLANNING AUTHORITY AGENDA FOR 11th March 2024

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### Item 5.2

**Proposal :** Alterations to previously approved planning application 22/00473/B with a glazed link to modern two storey extension to rear

**Site Address :** Ballamaddrell Cottage  
Grenaby Road  
Ballabeg  
Castletown  
Isle Of Man  
IM9 4HD

**Applicant :** Mr & Mrs Stephen & Polly Garrett

**Application No. :** 23/00759/B- [click to view](#)

**Planning Officer :** Mrs Vanessa Porter

**RECOMMENDATION:** To APPROVE the application

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### Recommended Conditions and Notes for Approval

**C : Conditions for approval**

**N : Notes (if any) attached to the conditions**

C 1. The development hereby approved shall be begun before the expiration of four years from the date of this decision notice.

Reason: To comply with Article 26 of the Town and Country Planning (Development Procedure) Order 2019 and to avoid the accumulation of unimplemented planning approvals.

C 2. Notwithstanding the details provided within this application, no permission is given for a gate(s) to be erected between the access pillars.

Reason: for the interest of highway safety

C 3. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012 (or any Order revoking and/or re-enacting that Order with or without modification), no development shall be undertaken under the following classes of Schedule 1 of the Order at any time:

Class 13 - Greenhouses and polytunnels  
Class 14 - Extension of dwellinghouse  
Class 15 - Garden sheds and summer-houses  
Class 16 - Fences, walls and gates  
Class 17 - Private garages and car ports  
Class 18 - Domestic Fuel Storage  
Class 21 - Construction of decking  
Class 28 - Roof lights  
Class 29 - Solar Panels

Reason: To control future development on the site.

C 4. Notwithstanding the submitted details, details of all external facing materials including windows, doors and external walls, shall be submitted to and approved in writing by the

Department. The development shall not take place other than in accordance with the submitted details.

Any energy efficiency upgrades within the building should be in accordance with the recommendations of Historic England's Guidance to Energy Retrofit of Traditional Buildings

Reason: In the interests of the character and appearance of the site and surrounding area.

C 5. The development hereby approved shall not be occupied or operated until the access/driveway, parking and turning areas have been provided in accordance with the approved plans (Drawing No. 120 Rev A). Such areas shall not be used for any purpose other than for access, parking, and turning of vehicles associated with the development and shall remain free of obstruction for such use at all times.

Reason: To ensure that the development will not compromise the free flow of traffic or highway safety.

C 6. No development shall take place until full details of soft and hard landscaping works have been submitted to and approved in writing by the Planning Department and these works shall be carried out as approved.

Details of the hard landscaping works to include details of landscaping/pedestrian paths to the front of the dwelling, driveways, parking and turning areas, and patio area shall also be provided. The hard landscaping works shall be completed in full accordance with the approved details prior to the first occupation of the dwellings hereby permitted.

All further planting, seeding or turfing comprised in the approved details of landscaping must be carried out in the first planting and seeding seasons following the completion of the development or the occupation of the dwelling, whichever is the sooner.

Any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased must be replaced in the next planting season with others of a similar size and species.

Reason: To ensure the provision of an appropriate landscape setting to the development.

C 7. No development shall be commenced until an Updated Tree Plan prepared in accordance with the recommendations of British Standard BS5837:2012 (Trees in relation to Design, Demolition and Construction) has been submitted to and approved in writing by the Department. Such a scheme shall include details of all trees and other planting which are to be retained; a planting specification to include numbers, species and positions of all new trees and shrubs; and a programme of implementation.

Any retained tree which within five years of the approved development being occupied or completed (whichever is the later) dies, are removed or become seriously damaged or diseased shall be replaced by a similar species, of a size to be first approved in writing by the Department, during the next planting season or in accordance with a programme of replacement to be agreed in writing with the Department.

Reason: To safeguard the existing trees and planting to be retained within the site.

C 8. Prior to any works commencing on the site, a Precautionary Working Method Statement for lizards, breeding birds and Schedule 8 plants, written by a suitably qualified ecological consultancy, shall be submitted to and approved in writing by the Department.

The statement shall include the provision of a new hibernacula feature for lizards in a sunny spot close to a boundary hedge or wall.

The development shall not be carried out other than in accordance with the submitted Method Statement.

Reason: To provide adequate safeguards for the ecological species existing on the site.

Reason for approval:

Overall, it is considered the proposal would comply with General Policy 3, Environment Policies 1, 4 and 5, and Housing Policy 13 of the Isle of Man Strategic Plan.

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### **Interested Person Status – Additional Persons**

None

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### **Planning Officer's Report**

THE PLANNING APPLICATION IS BEFORE THE PLANNING COMMITTEE AS THE PROPOSAL COULD BE REGARDED AS NOT COMPLYING FULLY WITH THE STRATEGIC PLAN BUT IT IS RECOMMENDED FOR APPROVAL

#### THE APPLICATION SITE

1.1 The application site is within the curtilage of Ballamaddrell Cottage, Grenaby Road, Ballabeg which is a two storey traditional cottage situated to the East of Grenaby Road. The property is situated to the Western side of a triangular plot that is at an intersection between Grenaby Road and a diet road, which serves both "Lower Ballavarkish" and "Thie Kella."

1.2 The existing dwelling is currently in port form and works have been undertaken since the previous application to start removing the overgrown shrubs which were growing within the buildings fabric.

1.3 Works have been done to start the access approved within PA22/00473/B, with slight alterations. The existing pedestrian entrance is located to the southern corner of the plot with access onto the Grenaby Road. The majority of the site is made up of a garden, the boundary is mostly sod bank and walling, which is very open to a public vantage point.

#### THE PROPOSAL

2.1 The application seeks approval for reinstatement of the existing dwelling which will include the renovation of the entire existing property and erection of a new two storey extension to the rear elevation with two storey glazed link.

2.2 The proposed works to the existing dwelling include re-rendering and painting white to the front, rear and south gable. Re-pointing the original stone north wall so that it is fully exposed. Replacement of the existing roof with slates, any existing slates which can be, will be repurposed. The existing chimney stack will also be re-rendered and painted white to match the existing property. The proposed replacement windows, rainwater goods, fascias and doors are to be powder coated aluminium frames in anthracite grey, with the proposed replacement doors having glazing to the upper half's.

2.3 The proposed glazed link is to be situated to the middle of the rear elevation and is to have a width of approximately 1.355m with a length of approximately 4.3m to ground floor

level. To the first floor level the glazed link is flat roofed and is to measure approximately 1.8m to 3.5m in width and approximately 3.8m to 2.4m in length. Attached to the glazed link to the first floor are two dormer extensions one to the main dwelling and one to the proposed two storey extension which are to be clad in aluminium standing seam.

2.4 The proposed two storey element is to be situated further south of the dwelling and is to measure 6.175m by 7.793m with an overall height of 6.105m. The ground floor level is to be clad in cedar weatherboard and the first floor level is to be clad in aluminium standing seam cladding.

2.5 The proposal also includes the following;

- proposed biodisk in accordance with PA22/00473/B
- rainwater harvesting butts
- permeable paving to provide hard standing area to the rear garden
- alteration of existing driveway approved under PA22/00473/B by widening the entrance and altering the turning space available
- new gate piers, which are to be built 2.5m away from the main highway
- new path to be created to the front entrance
- trees to be planted as per PA23/10018/AIR
- bird and bat boxes installed in line with PA23/10018/AIR

2.6 A design and access statement has been received as part of the application, which provides reasoning for the specific design chosen, as well as a letter from the applicant. The design and access statement also states that the existing tree and foliage have been felled and tidied up in line with PA23/10018/AIR and suggests that new planting will be planted in line with the previously approved application PA22/00473/B.

2.7 After requesting for the information, a structural inspection and report was provided which is dated as 19th May 2020 which states that the building is in a poor state of repair but is situated for renovation.

2.8 No ecology reports have been received as part of this application.

## PLANNING HISTORY

3.1 The following are applications upon the site;

PA20/00060/A - Approval in principle for the erection of a replacement detached dwelling addressing matters of siting, access, internal layout, external appearance and design - REFUSED

PA22/00473/B - Reinstatement to dwelling, erection of two storey rear extension and rear pitch roof dormer, and alterations (including roof lights, re-rendering, re-roofing, chimney repair, and new window and door installations) - PERMITTED

3.2 It is noted that Conditions 7 - 10 of PA22/00473/B have been satisfied.

## PLANNING POLICY

4.1 The site lies within an area zoned as "Not for Development" upon the Area Plan for the South. The site is not situated within a Conservation Area nor a Flood Risk Zone.

4.2 Given the land zoning of the site and the nature of the development it is relevant to consider the following policies of the Isle of Man Strategic Plan 2016 in the assessment of this application, General Policy 3 in connection with Housing Policy 13, both of which are for the re-establishing of a residential use, Environment Policy 1 for the protection of the countryside,

Environment Policy 42 which seeks that new development takes into account the character and identity of the surrounding area and Housing Policy 15 which seeks that the extension or alteration of traditionally styled properties in the countryside will only be accepted when they respect the proportion, form and appearance of the existing dwelling with extensions of over 50% only exceptionally being accepted, General Policy 2 for the general standards towards development, Transport Policy 7 with regards to parking standards, Strategic Policy 3 which requires that proposals should have regard to the use of local materials and character in their design and Strategic Policy 5 which seeks that new development should be designed so as to make a positive contribution to the environment of the Island.

4.3 The above policies are then followed by the following policies;

Strategic Policy 1(a) - Make efficient use of land and resources

Strategic Policy 2 - Priority for new development to identified towns and villages

Strategic Policy 4(b) - Protection of built heritage and landscape conservation

Strategic Policy 10 - sustainable transport

Spatial Policy 1 - Priority to Douglas for development

Spatial Policy 2 - Identified Service Centres for development

Spatial Policy 3 - Identifies those Service Villages

Spatial Policy 4 - Remaining villages

Spatial Policy 5 - Building in defined settlements or GP3

Environment Policy 4 - Wildlife and Nature Conservation

Environment Policy 42 - Designed to take into account the character and identity of the streetscene

Transport Policy 4 which is regarding Highway safety

Infrastructure Policy 5 - water conservation

4.4 Paragraph 8.10 - Conversion of Rural Buildings to Dwellings

4.5 Paragraph 8.11.1 - Replacement Dwellings in the Countryside

4.6 Planning Circular 3/91 - Guide to the residential development in the countryside.

4.7 Residential Design Guide (2021)

This document provides advice on the design of new houses and extensions to existing property as well as how to assess the impact of such development on the living conditions of those in adjacent residential properties and sustainable methods of construction.

## REPRESENTATIONS

5.1 The following representations can be found in full online, below is a short summary;

5.2 Highway Services have considered the application and state that the proposal does not raise any significant road safety or highway network efficiency issues and as such they raise no objection to the proposal. (29.02.24)

5.3 Arbory and Rushen Commissioners have considered the application and are in support. (24.07.23)

5.4 DEFA Fisheries have considered the application and state that they have no objections. (22.08.23)

5.5 DEFA Ecosystems Policy Officer has written to state that they believe the conditions attached to PA22/00473/B regarding ecology should be transferred onto this application if recommended for approval. (21.07.23)

## ASSESSMENT

6.1 The main issues to consider in the assessment of this planning application are;

- principle of development
- compliance with Housing Policy 13
- character and appearance
- impact upon the countryside
- residential amenities for future occupants
- impact upon neighbouring amenity
- impact upon highway services
- impact upon ecology/trees
- other matters

## 6.2 PRINCIPLE OF DEVELOPMENT

6.2.1 The starting point for any application is the land zoning, of which it is clear from the Area Plan for the South that the application site is situated within a rural and protected part of the countryside where any development is strictly controlled and the site itself is not allocated for development.

6.2.2 Whilst the above is the case, the application site has been subject to a previously approved application for a similar scheme, the reinstating of the property and a two storey extension to the rear, which has set the acceptable principle of development here

## 6.3 COMPLIANCE OF HOUSING POLICY 13

6.3.1 With the overall principle being deemed acceptable, it's necessary to determine whether the proposal will comply with Housing Policy 13 which is the most relevant policy for the proposal, which provides parameters for the reinstatement of dwellings which have lost their former residential use by abandonment.

6.3.2 In terms of Housing Policy 13 (a), the material test, seeks that the building is substantially intact, of which this should involve there being at least three walls, standing up to eaves level and that the building is structurally capable of being retained. The agent on behalf of the applicant has provided a structural inspection and report which was provided during the previously approved scheme, PA22/00473/B which is dated 2020. Whilst this date is almost 4 years from the date of writing this report, the information supplied within it is still acceptable, especially when noting that since the initial application above, site clearance has been undertaken upon the property and if there were any issues arising from this, the application would not be requesting the renovation of the site, but some re-building of the existing dwelling, which this application does not request.

6.3.3 The Structural Inspection and Report states that the property is in a poor overall condition, of which whilst the floors and roof need to be replaced, the walls are reasonably straight, true and plumb. There is some cracking which can be seen as longstanding and had minor lateral movement, of which modest remedial measure would fix. Overall the report reinforces that the building is substantially intact and capable of being retained. As such from this aspect the proposal complies with this aspect of Housing Policy 13.

6.3.4 The next aspect of Housing Policy 13, is part b) which states that there must be an existing, usable track from the highway. Whilst not brought up during the previously approved application the access proposed within this application, historically would not have been an access for vehicles and was more an access for farm vehicles, as such it was requested from Highway Services that the access was updated to modern standards, whilst this is discussed more below for it's relevant to Housing Policy 13, the access is adjacent to the main road and accessible. As such the proposal from this aspect complies with Housing Policy 13.

6.3.5 The second to last aspect when looking at Housing Policy 13 is c) that there is a supply of fresh potable water and that electricity is available to the site. When looking at the application, apart from the application form which states that the proposal does not require and new or amended gas, electricity, water or telecommunications services, there is nothing else provided to comply with this part of Housing Policy 13. Whilst this is the case, the building is located just East of a small cluster of dwellings, which means that there are services available to the area and it is noted that the property was originally a dwelling abide it's been abandoned, which means that there will be certain services already available to the site. As such it is considered that the proposal complies with this aspect of Housing Policy 13.

6.3.6 The last part of Housing Policy 13, is that "Extensions of dwellings formed in accordance with the above may be permitted if the extension is clearly subordinate to the original building (i.e. in terms of floor space, measured externally, the extension measures less than 50% of that of the original)." Having measured the proposed floor area, not including the link extension and upstairs hall, it can be seen that the proposal is an enlargement of 63% over the original dwelling, which means the proposal is not a subordinate extension to the dwelling and less than 50% of the original. As such from this aspect the proposal does not comply with Housing Policy 13.

#### 6.4 CHARACTER AND APPEARANCE

6.4.1 When accounting for the above, as stated the proposal does not comply with the last part of Housing Policy 13, whilst this is the case, the visual aspect of a site in the context of its surroundings and the overall character and appearance of the site needs to be taken into account.

6.4.2 When looking at the character and appearance of the original dwelling, it can be seen that it is traditional in its appearance as such Housing Policy 15 is applicable when assessing the proposed extension to the dwelling. Housing Policy 15 mirrors the last part of Housing Policy 13, but where Housing Policy 13 states that extensions should measure less than 50% of the original dwelling, Housing Policy 15 states that in exceptional circumstances above 50% extensions can be acceptable.

6.4.3 This can be seen in the previously approved application PA22/00473/B, where an extension which measured 55% above the original dwelling was deemed acceptable due to the proposed extension complying with Planning Circular 3/91, and the mature hedging which would assist the scheme from that application blending into the character of the site and area.

6.4.4 Not only is the proposal deemed within this application 13% over the 50% marker it is also 8% over the approved previous sizing, which in itself is a creeping of sizing.

6.4.5 With the above in mind, the proposal whilst moved more South of the site and away from the main road cannot be deemed subordinate to the main dwelling and would not be seen as subordinate to the main dwelling from any passing vantage point. The main reasoning for this is not only the overall size of the structure but the proposed materials which tend to be eye-catching within countryside sites such as this.

6.4.6 Whilst noting the above, the agent states within their design proposal that, "The massing of the modern extension in relation to the original form of the dwelling has been considered at length and positioned in the most efficient way causing the least impact to overall appearance. The shape of the existing roof and the most suitable position for the extension have allowed the introduction of a glazed link. This is to provide crucial headroom at the 1st floor level but to also, maintain a visual break between the original traditionally finished roof and the new modern roof." This is then followed with the following for how the



agent deems that the proposal should exceptionally be over 50% of the original floor space, "Whilst over the above advised percentage increase, the space provided has been kept to a minimum as demonstrated with the bedroom sizes, to provide much needed living accommodation for a young local family."

6.4.7 Whilst the reasoning for the proposed extension over the 50% ruling cannot be taken into account with regards to assessing the application under the IOM Strategic Plan, the relation of the proposal in the context of its surroundings can.

6.4.8 There have been over the years, many applications which have been approved and refused for an extension to a dwelling over the 50% ruling, with there being no general ruling on why applications over the 50% are acceptable, with each application being taken on its own merits.

6.4.9 With the proposal within this application, it can clearly be seen that a divide between the original dwelling (the traditional aspect) and the extension (the modern aspect) was an overriding factor to the design of the proposal. When the property is viewed from the West of the site, apart from a slight viewing of the rear extension the proposal will be viewed as a traditional property in the countryside, with the property when viewed from the east being seen as a modern extension.

6.4.10 Paragraph 4.3.11 of the Isle of Man Strategic Plan 2016 states in part, "Whilst wishing to conserve the historic landscape of the Island the Department welcomes new styles of housing as long as they take into account the landscape context and the impact of the amenities of the area in which they are sited." This is mirrored in Housing Policy 14, which states in part that, "Exceptionally, permission may be granted for buildings of innovative, modern design where this is of high quality and would not result in adverse visual impact."

6.4.11 As such modern aspects within the countryside are acceptable, as long as they are of high quality and would not result in an adverse visual impact. In terms of visual impact, the proposed extension will be read separately from the traditional aspect of the main dwelling, which means that the traditional aspect when viewed from the front (West) elevation will be preserved.

6.4.12 There is no doubt that the proposed extension would have a presence within the landscape above and beyond what the existing dwelling does, whilst this is the case, the two storey extension would broadly accord with General Policy 2(b), Environment Policy 42 and Housing Policy 15 in that the proposal will respect the site and its surroundings in terms of layout, form and design, with the modern aspects of the proposal being acceptable for this site due to the separation of the traditional and modern aspects and how this will be viewed within the overall streetscene.

## 6.5 IMPACT UPON THE COUNTRYSIDE

6.5.1 When assessing whether there would be an impact upon the countryside as per Environment Policy 1, it is noted that the proposal would retain the existing built fabric of the existing dwelling, which whilst not registered is special due to its historic interest. This ensures that there is the retention of the Island's built heritage and ultimately will improve the appearance of the overall streetscene.

## 6.6 RESIDENTIAL AMENITIES FOR FUTURE OCCUPANTS

6.6.1 The internal accommodation of the proposed dwelling consists of kitchen/ dining/ family room, snug, bedroom/ playroom, utility and WC to the ground floor level and three bedrooms, one with ensuite to the second floor. It is considered that the internal

accommodation would be an acceptable size, and all primary rooms would have adequate level of outlook and light.

## 6.7 NEIGHBOURING AMENITY

6.7.1 The site sits separate from neighbouring properties and considered a considerable distance away from the nearest neighbour ("Hawthorns" situated 78m away), as such there are no immediate neighbours that are considered to be impacted by the proposed development. As such, these aspects would be considered to be compliant with General Policy 2 (g).

## 6.8 IMPACT UPON HIGHWAY SERVICES

6.8.1 Turning towards whether the proposal would have an impact upon Highway Services, whilst not brought up in the previous application, it was noted that the proposed driveway for this property was probably an old history entrance used by farm vehicles only, as such revised information was requested.

6.8.2 Highway Services have assessed the new information and do not raise any issues with the proposal. Whilst this is the case it is noted that the drawings provided do show a gate to the entrance. Having discussed this with Highway Services and the agent on behalf of the applicant, this is not to be installed and a condition should be attached to the application to state this.

6.8.3 With regards to the parking available on the site, the proposal includes a flat roofed car port, which will provide one space with there being enough space upon the proposed driveway for an additional parking space and turning area. As such from this point of view the proposal meets the standards as per Transport Policy 7 in accordance with Appendix 7.

## 6.9 IMPACT UPON ECOLOGY/ TREES

6.9.1 In terms of the impact upon trees and ecology on the site, it could be seen from the officer's site visit that several trees had already been felled as per PA22/00473/B, with the application showing the site plan as per the condition approval under PA23/10018/AIR.

6.9.2 Whilst the application states that the proposal is in line with PA23/10018/AIR, the trees are not in the same place and there isn't the same amount, as such in line with the comments from Ecology a condition regarding landscaping and tree's to be planted should be re-attached to this application and also to make sure that the hedges planted are native, to make sure that there is a net biodiversity gain.

6.9.3 Turning towards bat and bird boxes, the proposal has shown an integrated bat box to the South facing wall and a universal nesting brick to the North facing wall. Whilst this is a condition which Ecology have requested be transferred from each application, the proposal shows the bat and bird boxes as per PA23/10018/AIR, which was deemed acceptable from Ecology, as such from this point of view the application is deemed acceptable.

## CONCLUSION

7.1 Overall, it is considered the proposal would comply with General Policy 3, Environment Policies 1, 4 and 5, and Housing Policy 13 of the Isle of Man Strategic Plan. Therefore, the proposal is recommended for approval.

## INTERESTED PERSON STATUS

8.1 By virtue of the Town and Country Planning (Development Procedure) Order 2019, the following persons are automatically interested persons:

(a) the applicant (including an agent acting on their behalf);

- (b) any Government Department that has made written representations that the Department considers material;
- (c) the Highways Division of the Department of Infrastructure;
- (d) Manx National Heritage where it has made written representations that the Department considers material;
- (e) Manx Utilities where it has made written representations that the Department considers material;
- (f) the local authority in whose district the land the subject of the application is situated; and
- (g) a local authority adjoining the authority referred to in paragraph (f) where that adjoining authority has made written representations that the Department considers material.

8.2 The decision maker must determine:

- o whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
- o whether there are other persons to those listed above who should be given Interested Person Status

8.3 The Department of Environment Food and Agriculture is responsible for the determination of planning applications. As a result, where officers within the Department make comments in a professional capacity they cannot be given Interested Person Status.

**Item 5.3**

**Proposal :** Installation of a pitched roof and creation of additional flat to the rear.  
**Site Address :** 67 Strand Street  
Douglas  
Isle Of Man  
IM1 2EN  
**Applicant :** Victoria Street Properties Ltd  
**Application No. :** 23/00352/B- click to view  
**Planning Officer :** Miss Lucy Kinrade

**RECOMMENDATION:** To REFUSE the application

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**Reasons and Notes for Refusal**

**R : Reasons for refusal**

**O : Notes (if any) attached to the reasons**

R 1. By reason of the proposed floor area, increased height of the upwards extension and the proposed roof arrangement the proposal is considered to result in any overall massing of the building that has an overbearing and dominating visual impact adversely affecting the character and appearance of the streetscene and which does not positively contribute to the environment either visually nor sustainably through any reduced energy use and is considered contrary to Strategic Policy 5, General Policy 2 (b, c, g) and Environment Policy 42 of the Isle of Man Strategic Plan 2016 and contrary to Sections 6.4 and 6.5 of The Area Plan for the East 2020.

R 2. The inclusion of new high level windows on the side elevation may result in a sterilisation of the immediate adjoining sites and prejudice their potential re-development as part of Market Street comprehensive treatment area contrary to section 13.8 of The Area Plan for the East 2020, the aims of the Central Douglas Master Plan 2014 and to General Policy 2(k) of the Isle of Man Strategic Plan 2016.

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**Interested Person Status – Additional Persons**

None

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**Planning Officer's Report**

THIS APPLICATION IS REFERRED TO THE COMMITTEE AT THE REQUEST OF THE HEAD OF DEVELOPMENT MANAGEMENT

1.0 THE SITE

1.1 The site relates to 67 Strand Street, Douglas, a mid-terrace building located part way along Strand Street, between its junctions with Howard Street and Granville Street and has a rear elevation joining with Market Street. The ground floor facing Strand Street is used as retail whilst upper floors provide 4 existing flats (approved under 17/01250/B).

## 2.0 THE PROPOSAL

2.1 The proposed is the upwards extension to provide an additional floor and flat at the rear, the proposed extension is to have a pitched roof finish with a setback gable end facing Market Street providing a high level terrace to the new flat.

2.2 Works to the existing pitched roof will see it increased and three new roof lights installed. Drawings also appear to show the entire rear structure being finished in a painted render throughout although no material finishes are provided on the plans. New windows are proposed to upper floors along each side gable.

## 3.0 PLANNING HISTORY

3.1 The site has been subject to a number of previous applications dating back to the early 90's for alterations to create additional office floor space, 90/00303/B was approved after drawing revisions removed the proposed 3rd floor office extension and 91/01431/B for an additional 3rd floor was withdrawn. There have also been a number of shop frontage applications with most recent being approved under PA 19/00261/B and signage approved under 19/00852/D. Conversion of the upper floors from office to four residential units was approved under 17/01250/B.

## 4.0 PLANNING POLICY

4.1 The site is within an area designated within the following zones:

- o Mixed Use - Strand Street
- o Comprehensive Treatment Area (CTA) Zone 2

4.2 The site itself is:

- o not within a Conservation Area
- o not at any recognised flood risk

4.3 Relevant policy from Isle of Man Strategic Policy 2016:

- o Strategic Policies, 1, 2, 3, 5 and 10 - make efficient use of sites, development directed to town centres, maintain individual character of areas and be of a good design making positive contribution and utilise existing infrastructure.
- o Strategic Policies 11 and 12 - Island housing needs and under used space above commercial premises subject to design (8.13).
- o Spatial Policies 1 and 5 - direct development to town centres
- o General Policy 2 - general standards towards acceptable development.
- o Environment Policy 23 - adverse impact on existing neighbours.
- o Environment policy 42 - take account of immediate locality in design.
- o Housing Policy 17 - conversion criteria for creating flats
- o Transport Policy 7 and Appendix 7 - parking in accordance with standards.
- o Community Policy 7, 10 and 11 state that the design of new development must, as far as is reasonable and practicable, pay due regards to existing best practise such as to prevent criminal and anti-social behaviour and outbreak and spread of fire. In addition, development should also provide proper access for fire-fighting vehicles and adequate supplies of water for fire-fighting purposes.
- o Infrastructure Policy 5 - methods to conserve the Island's water resources.
- o Paragraph 9.4.5 - residential above retail can help secure vitality of areas

4.4 Relevant policy from TAPE

- o Section 13.8 - Comprehensive Treatment Area 2 - Market Street
- o CTA Proposal 2 - retail and ancillary uses appropriate and any development carried out in accordance with improvement scheme pedestrian and vehicular.
- o Section 9.10.5 - Mixed Use Area 3 Strand Street - more residential uses would benefit the area

- o Mixed Use Proposal 3 - residential use will be accepted at first floor or above.
  - o Section 6.4 - extensions to respond sensitively to and enhance local context.
  - o Sections 6.5, 6.5.4 and Urban Environment Proposal 1 - general support to upper floor residential use so long as does not conflict other strategic policies
  - o Section 6.5 - Principles of Good design
- 4.5 Other material considerations
- o Central Douglas Master Plan 2014.

## REPRESENTATIONS

Copies of representations received can be viewed on the Government's website. This report contains summaries only.

5.1 Douglas Borough Council - no objection (17/11/2023) - the development must not prohibit the refuse bins from being stored within the curtilage between refuse collection days.

5.2 Department of Infrastructure Highway Services - Do not Oppose (05/04/2023 and 06/11/2023) - no significant negative impact upon highway safety, network functionality and /or parking. The Applicant is advised that Highway Licences may be necessary for any equipment and materials to be placed within the highway for the duration of the proposed works.

5.3 No comments received from any neighbouring properties.

## 6.0 ASSESSMENT

6.1 The building comprises two key parts the traditional pitched roof element providing a retail unit fronting Strand Street, and at the rear, a large non-traditional three storey flat roof structure. As part of the application the key tests are principle, parking and highway impact, visual impact (size, massing, design and finish), neighbouring amenity impact, sustainability impact.

### Principle

6.2 It's clear that policies within both the Strategic Plan and TAPE both encourage making best use of existing sites particularly those within existing town centres and that the inclusion of upper floor residential use can help to ensure security and vitality of these town areas outside of the normal 9-5 working patterns and this mix of uses can positively impact both day time and night time economy in those areas. The Central Douglas Masterplan 2014 also sees "increasing the residential population" as a key driver.

### Parking Impact

6.3 The proposal to increase the number of flats in this building by 1 would have a resulting increase in parking demand associated with it, but this would not be so far beyond the existing 4 flat occupation rate and parking situation already as to warrant a significant concern in this case also minded that there is a relaxation to parking standards for properties in town centre locations and in close walking distance to bus stops and services which this site is. DOI Highway Services have also indicated that they do not oppose and there will be no significant negative impact on highway safety. The proposed building works would not compromise Market Street as a key freight access route either given the works are contained within existing building parameters and do not overhang or encroach the highway.

### Visual Impact (size and massing)

6.4 Previous applications dating back to the 90's sought upward extension to the building but these applications were either amended to remove the upwards extension or withdrawn. Comments on these applications shared concerns in the lack of parking provided and the

increase of office floor space. As part of one application the agent stated that the additional floor would stay within the general roof line of the area with Markwell Housing being 5 stories tall and Strand Shopping Centre, Well Road House and Wellington House all being very similar in height and appearance to what was proposed.

6.5 During this application process, concerns were been expressed for the initial design resulting in a considerable upwards massing increase to the building which would be overbearing in its own right, overbearing on its immediate neighbours, and out of character of and dominating in the streetscene when travelling along Market Street. The roof design also not respecting the traditional features of that part of the building facing Strand Street. The agent and applicant sought to make changes to the scheme to try and overcome some of these issues.

6.6 Revised drawings were received. The height uplift and overall pitched roof design was to remain unchanged but now the scheme having a slightly stepped back design layout from Market Street so as to incorporate a balcony terrace area. This stepped back design helps to some degree to reduce the overall massing compared to the initial submission by chopping off some of the bulk nearest the Market Street end, however there still remains a considerable amount of massing to the proposal and this upwards extension, coupled with the height and overall arrangement of the roof (part of which does not respect the traditional qualities of the older building fronting Strand Street) is still expected that the proposal will have a considerable overbearing and dominating impact unacceptably at odds with the streetscene.

#### Visual Impact (design and finish)

6.7 The Central Douglas Masterplan 2014 (CDM2014) contains advice on key challenges to be addressed and that development should be of innovative, contemporary, high quality and timeless design and ensuring the unique and varied heritage is celebrated in ensuring Douglas is seen as a world class distinctive Capital. The Area Plan for the East 2020 (TAPE2020) includes a list of principles of good design at section 6.6 which reinforces Strategic Planning policies in the need for development to make a positive contribution to the environment. Detailed design proposals should respond positively to local context and character, taking into account scale, form, layout, materials, colouring, fenestration and architectural detailing, as well as physical features including topography, pattern of streets, street scene and density of development.

6.8 TAPE 2020 provides the following for Market Street area "The street currently has the function and appearance of a service road which is considered to have a negative impact on this area of the town. With imagination, this impact could be reversed and the street could become more appealing to shoppers and visitors alike. The completion of a new hotel in this location will be beneficial and the investment this represents should be capitalised upon. The Central Douglas Masterplan recognises that the area could provide further retail opportunities and increased floorspace. Re-development could enable improved links between Strand Street and Upper Douglas which would assist with footfall."

6.9 In respect of the design and finish, drawings provided have not specified any material finishes, but it appears from drawing design that the entire red brick walling would be rendered over and tile hung cladding removed. It is accepted that there is a mix of palette of materials in this area and render would not be uncommon. It could be argued that the upkeep, rendering over and renovation of the building offers has a more current day contemporary approach compared to the older brick and 'mansard' tile hang, however this would not be high quality innovative and it might be that this single uniform render approach coupled with the increased massing impact exacerbates the dominating and overbearingness

of the buildings appearance within the streetscene and drawing negative attention to it rather than positive.

#### Amenity Impact

6.10 The addition of 1 flat would not result in any significant increase or unacceptable traffic or personnel movements above and beyond the existing 4 flats to warrant any issues in its own right and minded that this is in a town centre location and given the already established level of people moving in and out of the area and building. The amenity space available to the proposed new flat in its own right would not be so far removed from the existing flats in fact it would have its own external terrace area which is more than any of the existing flats.

6.11 In terms of the physical layout the proposal has sought to include side elevation windows which has helped to 'break up' some of the massing of each side elevation to some extent, however by introducing new windows where currently there are none introduces new potential for overlooking and privacy impacts or can stifle development of neighbouring sites. In this case immediate neighbouring properties are understood to be commercial properties whereby there would be no privacy or overlooking impacts per-se, but minded of the 'masterplan' proposals and aims set out in both CDM2014 and TAPE 2020 both which encourage the redevelopment of this area that the installation of these windows could sterilise development of both immediate neighbouring sites.

#### Sustainability Impact

6.12 The application is not provided with any information on sustainability and there has been no inclusion of renewable energy systems within the scheme.

### 7.0 CONCLUSION

7.1 Whilst the proposal for another upper floor flat would meet those policies supporting more residential uses in this town centre area and would make use of an existing town centre site contributing to the overall vitality of the area and with no highway safety issues, these matters are not considered to outweigh the negative visual impacts expected of the proposal. By reason of the proposed floor area and increased height of the upwards extension coupled with the proposed roof arrangement the proposal is considered to result in an overall massing of the building that has an overbearing and dominating impact on the existing building adversely affecting the character and appearance of the streetscene and which does not positively contribute to the environment visually nor sustainably through its energy use. The proposal including the new high level side elevation windows may be seen to serialise the immediate adjoining sites which could be considered to undermine the aims of CDM 2014 and TAPE 2020 which seek future re-development of Market Street.

7.2 The application by reason of its unacceptable visual impact is considered contrary to Strategic Policy 5, General policy 2 (b, c, g), Environment Policy 23 and Environment Policy 42 of the Isle of Man Strategic Plan 2016 and contrary to Sections 6.4 and 6.5 of The Area Plan for the East 2020, and by reason of the proposed side elevation windows is considered to impact the potential re-development of its immediate neighbours along Market Street contrary to section 13.8 of The Area Plan for the East 2020, the aims of the Central Douglas Master Plan 2014 and to General Policy 2(k) of the Isle of Man Strategic Plan 2016.

### 8.0 INTERESTED PERSON STATUS

8.1 By virtue of the Town and Country Planning (Development Procedure) Order 2019, the following persons are automatically interested persons:

- (a) the applicant (including an agent acting on their behalf);
- (b) any Government Department that has made written representations that the Department considers material;



- (c) the Highways Division of the Department of Infrastructure;
- (d) Manx National Heritage where it has made written representations that the Department considers material;
- (e) Manx Utilities where it has made written representations that the Department considers material;
- (f) the local authority in whose district the land the subject of the application is situated; and
- (g) a local authority adjoining the authority referred to in paragraph (f) where that adjoining authority has made written representations that the Department considers material.

8.2 The decision maker must determine:

- o whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
- o whether there are other persons to those listed above who should be given Interested Person Status

## PLANNING AUTHORITY AGENDA FOR 11th March 2024

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### Item 5.4

**Proposal :** Conversion of garage & store into a 2 Bedroom dwelling with an additional storey added to the existing building - amendment to PA 23/00898/B

**Site Address :** 25A Market Street  
Douglas  
Isle Of Man  
IM1 2PA

**Applicant :** Tracey Bell

**Application No. :** 24/00064/B- click to view

**Planning Officer :** Mr Paul Visigah

**RECOMMENDATION:** To APPROVE the application

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### Recommended Conditions and Notes for Approval

**C : Conditions for approval**

**N : Notes (if any) attached to the conditions**

C 1. The development hereby approved shall be begun before the expiration of four years from the date of this decision notice.

Reason: To comply with Article 26 of the Town and Country Planning (Development Procedure) Order 2019 and to avoid the accumulation of unimplemented planning approvals.

C 2. The proposed garage door must have an opening mechanism that shall not swing onto the adopted highway when opening, but shall only swing into the site.

Reason: To clarify the extent of the approval and reflect what is included in the application, in the interest of highway safety.

C 3. The car parking space provided within the garage, hereby permitted as part of the development, and shown on Drawing No. 23 - 102 - 02 Rev. E, received 23 January 2024, shall be provided prior to the first occupation of the dwelling and shall thereafter be retained and made available for vehicle parking at all times.

Reason: To ensure that sufficient on-site parking is provided to serve the development in order to avoid unnecessary on-street parking as per the requirements of the Manual for Manx Roads and Transport Policy 7 in the Adopted Isle of Man Strategic Plan (2016).

N 1. FOR YOUR INFORMATION

Please be aware that a ban on the installation of fossil fuel heating systems in any new building(s) and or extension(s), will come into force on 1st January 2025.

You therefore are encouraged to ensure that your proposed development includes alternatives to fossil fuel heating systems if you believe that such works will not be completed by that date.

To this end, if you propose an alternative, such as air source or ground source heat pump(s), or any other heating system that would require planning approval, the details of

this should be addressed now. This may require you to resubmit your planning application to accommodate the alternative permitted heating system proposed.

Reason for approval:

The application accords with General Policy 2, Strategic Policies 1 and 2, Housing Policies 4 and 6, Environment Policy 42 of the IOM Strategic Plan 2016, and the principles of the Residential Design Guidance 2021, as the proposal would not harm the use and enjoyment of the application site, neighbouring properties, and the character of the area.

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### **Interested Person Status – Additional Persons**

None

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### **Planning Officer's Report**

THIS APPLICATION IS REFERRED TO THE COMMITTEE AT THE REQUEST OF THE HEAD OF DEVELOPMENT MANAGEMENT

#### 1.0 SITE

1.1 The application site comprises 25A Market Street, Douglas which is a two storey terrace building which accommodates garaging at ground floor level and a store at first floor. There is a detached W/C set within its rear yard which is on elevated grounds at first floor level. Access to the rear yard is via a flight of stairs which sits on the boundary of the existing property and its neighbouring workshop/office building situated south.

1.2 The property sits almost at the same height with its neighbouring properties, although it is slightly taller than the neighbouring building at No. 25 which sits directly south. Its flat roof also sits taller than the eaves of the property directly north, but the roof ridge of this property sits higher than its flat roof. The property has its external elevation finished in painted render with all windows UPVC casement windows. A garage door with lights provides access to the garage below.

1.3 The street scene is characterised by workshops/garages/ and office buildings, with most of the buildings in the immediate vicinity having their rear access, parking and service areas backing onto the road. There is no balcony within the immediate vicinity, as the only roof top areas are service/utility areas for existing buildings. The buildings that adjoin the application site have varying heights, although one have a three storey area facing the road save for Nos. 17 -21 which has its front gable facing the road.

#### 2.0 PROPOSAL

2.1 Planning approval is sought for Conversion of garage & store into a 2 Bedroom dwelling with an additional storey added to the existing building - amendment to PA 23/00898/B.

2.2 The proposed dwelling which would be built over the footprint of the existing building and stretching further into the rear yard by 4.7m (to join the rear external stairway), with the buildings extent positioned only 1m from the boundary with rear garden of No. 8 Mount Pleasant, Douglas. The new finished height would be set at about 9.6m; 3.3m taller than the approved building at No. 25, 2.8m taller than the roof ridge of the neighbouring property at No. 29, and about 700mm lower than the roof ridge of the Best Cars building situated north of No.29.

2.3 The new dwelling will be laid out such that the garage and Storage/ Utility/Bins/ Recycling areas for the dwelling would be set within the ground floor; a courtyard, open plan living/kitchen and dining area, bedroom, bathroom, and a front terrace would be on the first floor, while the second floor will serve a bedroom with ensuite, and a front terrace that would overlook the street.

2.4 The dwelling would be finished externally in smooth painted render, with roof finished in new slate tiles. New glazed would also be installed to front of terrace. All windows and doors to be powder coated Aluminium glazed units. The scheme would also include the provision of a new pedestrian access gate to the side of the dwelling and by the walkway (details of material not indicated).

2.5 The applicants have indicated on the application form that surface water and foul sewage would be disposed of via the existing systems that serve the site.

### 3.0 PLANNING POLICIES

#### 3.1 Site Specific:

3.1.1 The application site is within the Strand Street - Mixed Use Proposal Area, and the Proposed Comprehensive Treatment Area 2 under the Area Plan for the East 2020, although it is not situated along the primary retail frontage. The application building is not located within a Conservation Area and the site is not prone to flood risks.

#### 3.2 Area Plan for the East 2020

3.2.1 The following parts of the Area Plan for the East are of material relevance to the proposed development:

a. Mixed Use Area 3 - Strand Street:

"This area forms the core of the retail shopping area and is characterised by shops, food and drink uses, financial and professional services and other associated town centre uses such as hairdressers, beauticians and so on. The area is currently busy during daytime but quiet in the evening and it is considered that more residential uses would benefit the area and help support the night time economy. The primary shopping frontage is notated by the hatched line on Map 5."

b. Town Centre - Mixed Use Proposal 3

"There will be a presumption in favour of retail and ancillary town centre uses such as food and drink and health and beauty uses along the primary shopping frontage. Outside of the primary shopping frontage a wider variety of town centre uses including financial and professional services open to visiting members of the public will also be acceptable. Entertainment venues, Offices and residential use will be acceptable at first floor level and above, but not at ground floor level where an active frontage should be maintained and enhanced. These active frontages are essential to sustain an attractive town centre."

c. Comprehensive Treatment Area 2 - Market Street (area is shown on Map 5)

"13.8.1 Market Street lies to the rear of Strand Street, the main shopping area of Douglas. The street currently has the function and appearance of a service road which is considered to have a negative impact on this area of the town. With imagination, this impact could be reversed and the street could become more appealing to shoppers and visitors alike. The completion of a new hotel in this location will be beneficial and the investment this represents should be capitalised upon. The Central Douglas Masterplan recognises that the area could provide further retail opportunities and increased floor space. Re-development could enable improved links between Strand Street and Upper Douglas which would assist with footfall. The Chester Street car park performs an important function serving this part of town, but would benefit from enhancement. The Market Street CTA is also a strategic freight corridor

and maintaining access for commercial vehicles, including HGV's, must be considered in any proposed development."

d. CTA Proposal 2 - Market Street (Treatment Plan) - Development of this area for retail and ancillary uses would be appropriate. Any development should be carried out in accordance with an improvement scheme involving land and property owners and Government and should include highway improvements, both pedestrian and vehicular. Public parking should continue to be provided in the form of a multi-storey, however continuation of surface level car parking is not seen as appropriate."

e. Appendix 2: Recommendations set out in the Retail Study 2009 - The majority of any new floor space should be distributed primarily to town centre or edge-of-centre locations in Douglas - for example, Strand Street and the existing shopping core and Douglas Quayside."

### 3.3 National: STRATEGIC PLAN

3.3.1 The following policies from the 2016 Strategic Plan are considered pertinent in the assessment of this application:

- a. General Policy 2 - General Development Considerations
- b. Strategic Policy 1 - Efficient use of land and resources
- c. Strategic Policy 2 - Development focussed in existing towns and villages
- d. Strategic Policy 3 - Development to safeguard character of existing towns and villages and to avoid coalescence
- e. Strategic Policy 4 - Development to protect or enhance setting of Registered Buildings, landscape quality and biodiversity, and not result in unacceptable environmental pollution
- f. Strategic Policy 5 - Design and visual impact
- g. Strategic Policy 10 - Sustainable transport
- h. Strategic Policy 11 - Housing needs
- i. Environment Policy 42 - Designed to respect the character and identity of the locality.
- j. Housing Policy 1 - Housing needs
- k. Housing Policy 3 - Provision of 2,440 homes in East area during 2011-2026 plan period
- l. Housing Policy 4 - New Housing to defined existing towns
- m. Housing Policy 6 - Residential development to be undertaken in accordance with development brief or Paragraph 6.2 of Plan.
- n. Transport Policy 1 - Proximity to existing public transportation services
- o. Transport Policy 4 - Highway Safety
- p. Transport Policy 7 - Parking Provisions
- q. Community Policy 7 - Designing out criminal and anti-social behaviour
- r. Community Policy 10 - Proper access for firefighting appliances
- s. Community Policy 11 - Prevention for the outbreak and spread of fire
- t. STRATEGIC OBJECTIVES

#### Paragraph 3.6: Social

"(a) To provide for sufficient housing of an acceptable standard and of an appropriate nature and in appropriate locations to meet the needs of the community (including special needs).

(b) To promote high standards of residential amenity in new development and to provide a physically safe environment for all communities.

(c) To promote improved access to buildings, spaces and services for less able people.

(d) To promote community safety and security within new development, regeneration and refurbishment schemes by encouraging the adoption of the principles of "Designing Out Crime".

### 4.0 OTHER MATTERIAL CONSIDERATIONS

4.1 Regard will be given to the recently released Residential Design Guidance 2021 in development of new dwellings.

#### 4.2 Central Douglas Master plan, 2014

4.2.1 One of the key drives of the plan is to increase residential population in Central Douglas as it seeks to create a number of housing opportunities around the town centre (See Page 9).

#### 4.2.2 Short Term Goal 1:

A flexible approach is advocated; residential infill development can add life and activity. Residential infill has potential to add vitality to the area.

#### 4.2.3 Key challenges to be addressed (In part)

- o Creating a world class distinctive Capital town ensuring development is contemporary, high quality and timeless;
- o Increasing activity into the early evening to retain spend and activity without the pitfalls of a night-time economy;
- o Addressing the topography, finding and enhancing routes between Upper and Lower Douglas;

4.3 IOM Biodiversity Strategy 2015 to 2025 seeks to manage biodiversity changes to minimise loss of species and habitats, whilst seeking to maintain, restore and enhance native biodiversity, where necessary. Section 21 deals with Habitat loss actions through promoting a policy of 'no net loss' for semi-natural Manx habitats and species and to ensure that unavoidable loss is replaced or effectively compensated for.

#### 5.0 PLANNING HISTORY

5.1 The previous planning application for the site under PA 23/00898/B for Conversion of garage & store into a 2 bedroom dwelling with an additional storey added to the existing building, is considered relevant in the assessment and determination of this application.

The application was refused for the following reasons:

##### R1: Context of Locality

The proposed development, by virtue of its design, bulk, height, and flat roof finish, would fail to relate positively and appropriately to the character of the locality as it does not take into account a proper analysis of the context of the immediate street scene, and would have a deleterious impact on the surrounding area, and this conflicts with General Policy 2(b and f) and Strategic Policy 3 (b) of the Isle of Man Strategic Plan 2016. The industrial style design and zinc finish of the second floor which would serve to reinforce the function and appearance of the road as a service road, is considered to have a negative impact on this area of the town, and would fail to align with the goals of the Comprehensive Treatment Area 2 - Market Street, within the Area Plan for the East.

##### R2: Loss of Privacy - Neighbours

The proposed rear balcony for the new dwelling in terms of its position, height and close proximity would result in an unacceptable level of overlooking into the neighbouring property at No. 8 Mount Pleasant, Douglas, resulting in a significant adverse impact upon the residential amenities of this neighbouring property, contrary to General Policy 2 (g) of the IOM Strategic Plan 2016 and the principles set out in the Residential Design Guide.

##### R3: Loss of Privacy - future occupants

The positioning of the roof garden/terrace which is the primary outdoor provision for the dwelling to the rear and on the second floor, where it would be considerably overlooked by neighbouring properties would result in detrimental impacts on the amenities of future occupiers of the proposed dwelling. These amenity impacts would be contrary to the provisions of General Policy 2 (g & h) and Strategic Policy 1 (b) of the IOM Strategic Plan

2016, and the principles promoted by the Residential Design Guide 2021, as it would not promote a high standard of residential amenity.

## 6.0 REPRESENTATIONS

Copies of representations received can be viewed on the government's website. This report contains summaries only.

6.1 DOI Highways find the proposal to have no significant negative impact upon highway safety, network functionality and/or parking, providing the garage door does not swing onto the adopted highway i.e. roller shutter type operation or swings within the site only - this should be conditioned on permission (26 January 2024).

6.2 Douglas Borough Council has no objection (2 February 2024).

6.3 No comments have been received from neighbouring properties.

## 7.0 ASSESSMENT

7.1 The fundamental issues to consider in the assessment of the application are:

- a. The Impacts on the character and appearance of the area;
- b. The impacts on the amenity of local residents;
- c. Highway safety and Parking; and
- d. Whether the dwelling has adequate amenities in itself.

7.2 Character and Appearance of the Area (GP2, SP 3 (b), & EP 42)

7.2.1 In terms of any impact on the area, the decision to extend to the rear of the first floor and over this storage space to form a new dwelling on the site is considered to be unobjectionable. The massing height and design would also be in keeping with the character of the site and area. Whilst the height would be set over the existing building height, making the building stand out, the design of the roof in pitch roof oriented in similar form as the adjacent properties, and the variable height of the buildings on this side of the immediate street scene would cause the dwelling to fit in with the immediate locality. In addition, the design and finishing would improve the appearance of the site, with the layout of the site offering a better appeal than the otherwise bland and unappealing site in its current context.

7.2.2 Likewise, the external materials replicate the dominant materials in the immediate vicinity, whilst the overall building height, proportions, fenestration size and positions, are also largely in keeping with the locality. The scheme also integrates the topographical elements by utilizing split levels which ensures that the dwelling is in keeping and sympathetic with the character of the site and surrounding area; approaches, which would align with GP2 (f) and the Central Douglas Master plan, 2014.

7.2.3 Overall, it is considered that the design of the building which would incorporate modern elements would improve the appearance of the site and immediate street scene, whilst integrating elements (materials, finish and style) that takes into cognisance the character of the immediate locality. Therefore, the proposal would be acceptable when judged within the context of the immediate street scene and locality.

7.3 Impact on neighbouring dwellings (GP 2 and RDG 2021)

7.3.1 With regard to possible impacts on neighbouring dwellings, it is considered that the proposal does not raise concerns with neighbouring properties in terms of overlooking, overbearing impacts, or loss of light. In fact, the current proposal has been designed to overcome the overlooking concerns, particularly with regard to the neighbouring residential property at No. 8 Mount Pleasant, Douglas, which existed with the previous application. This

is hinged on the fact that there are no rear windows with potential to overlook the dwelling at the rear. Also, the rear terrace has been excluded from the current proposal.

7.3.2 With regard to the concern with the rear stairway with the previous application, the scheme has also been revised to exclude frequent use of the stairs, as it would only be used for the maintenance of the property. The distance and the height of the dwelling relative to the neighbour at the rear would also ensure there are no overbearing impacts, as the position of the dwelling east of the neighbouring property at No. 8 would also ensure there is no loss of light.

7.3.3 There would be no windows to be impacted by the raised height on the north elevation of the existing and proposed development at No. 25 Market Street to the south. As such, overbearing impacts, overlooking or overshadowing would not result for this property from the proposed development.

7.3.4 Given the above, it is judged that the proposed development would not result in adverse impacts upon the living conditions of the neighbouring properties, and as such the proposal would conform to General Policy 2 (g) of the Strategic Plan, and the principles promoted by the Residential Design Guide.

#### 7.4 Parking and access (GP 2 & TP 7)

7.4.1 The proposal makes provision for the parking of a vehicle within the attached garage, accessed via the highway. Whilst this would be below the acceptable standard for a two bedroom dwelling, the site is within close proximity to primary public transportation links within Douglas, and Marks & Spencer Drumgold Street Car Park. Likewise, the site is close to local services and employment opportunities so as to encourage pedestrian movement amongst the above. Therefore, it is considered that the proposed complies with the provisions within the strategic plan in Appendix 7 and Transport Policy 7.

7.4.2 As well, the site layout is such that there are no turning spaces within the site so vehicles would have to back out onto the rear highway or reverse before backing into the garage; a condition that is likely to be detrimental to highway safety. However, the speeds along the adjoining highway is low and as such it is not considered that this would be unacceptable.

7.4.3 It is also important to note that DOI Highways considers that the proposal does not raise significant road safety or highway network functionality issues, subject to the inclusion of a condition to ensure that the garage door does not swing onto the adopted highway. Therefore, it is considered that this element of the scheme complies with the requirements of the aforementioned policies.

#### 7.5 The amenities of those in the proposed dwelling

7.5.1 With regard to the provisions for the amenities of future occupants of the proposed dwelling, it is noted that there would be no garden space provision as with the other properties here, although the proposed courtyard would offer some outdoor respite for future occupants. Moreover, there is, ease of level access to good public open space that would provide an added degree of amenity provision in the area, namely Douglas promenade and the beach and other leisure areas off the promenade.

#### 7.6 Other matters

7.6.1 No new confined spaces with easy access to those outside the site would be created, which would serve as easy hideouts for criminal activity or antisocial behaviour.



7.6.2 Likewise, the scheme would not impede access to the site in case of fire as the stairway to the rear would still be retained, with the new layout such that existing breaks with neighbouring properties are retained.

7.6.3 Based on the foregoing, it is considered that the scheme aligns with the requirements of Community Policies 7, 10, and 11.

7.6.4 No other concerns have been noted.

## 8.0 CONCLUSION

8.1 Overall, it is considered that the design, highway impacts and visual impacts are acceptable, and the proposal would not result in harm to public or private amenity. The application is, therefore, recommended for approval.

## 9.0 INTERESTED PERSON STATUS

9.1 By virtue of the Town and Country Planning (Development Procedure) Order 2019, the following persons are automatically interested persons:

- (a) the applicant (including an agent acting on their behalf);
- (b) any Government Department that has made written representations that the Department considers material;
- (c) the Highways Division of the Department of Infrastructure;
- (d) Manx National Heritage where it has made written representations that the Department considers material;
- (e) Manx Utilities where it has made written representations that the Department considers material;
- (f) the local authority in whose district the land the subject of the application is situated; and
- (g) a local authority adjoining the authority referred to in paragraph (f) where that adjoining authority has made written representations that the Department considers material.

9.2 The decision maker must determine:

- o whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
- o whether there are other persons to those listed above who should be given Interested Person Status.

## PLANNING AUTHORITY AGENDA FOR 11th March 2024

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### Item 5.5

**Proposal :** Additional use from Class 2.2 (Light Industry) to Classes 2.2 (Light Industry), 2.1 (Office) and 1.1 (Shops) (Retrospective)

**Site Address :** Unit 5  
The Shipyard  
Shipyard Road  
Ramsey  
Isle Of Man  
IM8 3DT

**Applicant :** Mr Sam Adcock

**Application No. :** 23/01502/C- [click to view](#)

**Planning Officer :** Mr Paul Visigah

**RECOMMENDATION:** To APPROVE the application

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### Recommended Conditions and Notes for Approval

**C : Conditions for approval**

**N : Notes (if any) attached to the conditions**

C 1. The development hereby approved shall be begun before the expiration of four years from the date of this decision notice.

Reason: To comply with Article 26 of the Town and Country Planning (Development Procedure) Order 2019 and to avoid the accumulation of unimplemented planning approvals.

C 2. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2019 (or any Order revoking and/or re-enacting that Order with or without modification), the area denoted as Unit 5 on the approved Site Plan shall only be used for Use Class Classes 2.2 (Light Industry), or a combination of the uses only at any time - Classes 2.2 (Light Industry), 2.1 (Office), and 1.1 (Shops).

Reason: For the avoidance of doubt and to allow the Department has assessed the impact of the proposal on the basis of the specific use and any alternative uses will require further consideration.

C 3. The business use hereby approved may be operational only within the following days:

- o Mondays to Fridays: Open
- o Saturdays and Sundays: Closed

Reason: to clarify the extent of the proposal as submitted and to control the impact of the development on the surrounding area.

C 4. The proposed additional retail use hereby approved shall be limited to the selling of electrical/mechanical products and accessories only.

REASON: To restrict the sale of goods within an industrial estate

C 5. The use of the premises hereby approved shall be carried out in accordance with the internal layout drawing referenced "Unit 5 Floor Plan Proposed" and retained in perpetuity, unless otherwise approved in writing by the Department.

REASON : To take account of the particular planning circumstances of the development hereby approved, and to avoid any increase in retail on the site.

Reason for approval:

It is considered that the proposed development would have no significant adverse impacts upon public or private amenities, while the use of the site for the proposed additional office and retail use would not impact adversely on the viability of the Ramsey Town centre. Accordingly, the proposal would comply with Strategic Policies 1, Business Policy 5, 7 and 10, General Policy 2, and Transport Policies 4 & 7 of the Isle of Man Strategic Plan 2016.

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### **Interested Person Status – Additional Persons**

None

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### **Planning Officer's Report**

THIS APPLICATION IS REFERRED TO THE COMMITTEE AT THE REQUEST OF THE HEAD OF DEVELOPMENT MANAGEMENT

#### 1.0 THE APPLICATION SITE

1.1 The application relates to Unit 5, The Shipyard, Shipyard Road, Ramsey. The unit is one of a block of six units within the Shipyard Complex south of Marsden Terrace and north of Ramsey Harbour. Unit 5 is situated in the western block of light industrial units and is accessed via the estate road (Shipyard Road) which continues in a northerly direction from the entrance of the industrial estate to the junction with North Shore Road.

#### 2.0 THE PROPOSAL

2.1 Planning approval is sought for additional use of the unit from Class 2.2 (Light Industry) to Classes 2.2 (Light Industry), 2.1 (Office) and 1.1 (Shops) (Retrospective). There would be no external alterations to the building, with the physical change only taking place within the unit.

2.2 The site has access to six designated parking spaces fronting the unit and the applicant indicates there are a number of car parking spaces in and around the unit, such that all customers will have the ability to park outside the location without infringing on neighbouring parking spaces.

2.3 The applicants have indicated the following in their supporting statement:

- o The unit measures approximately 11.8 metres by 7.8 metres resulting in a total floor area of approximately 92.4 square metres, with the additional use for the showroom setup within the front area of the unit which occupies only a small area 7.6 x 3.7m.
- o The unit has a disabled access into it via a roller shutter door.
- o The business has been operating from the location since 2001 and never had any issues with neighbours or public to this date with our operation.
- o The showroom is to show potential customers the equipment the business provides, and a small range of accessories that are available from the Kärcher product range.

- o The showroom does not attract passing customers but only gets customers who need to come as the Shipyard Road is a dead end so there is no passing trade, and it is away from the town centre.
- o The showroom is only currently open Wednesday to Friday, but the intention is to open Monday to Friday if trade increases.
- o A maximum of 4 customers a day visits the unit, most of whom are dropping off machines to be repaired.
- o The business will continue to make signs and carry out repairs on electrical equipment including sewage and petroleum forecourt equipment as has been since 1992 when the company was first setup.
- o The business does not operate as electrical contractors, and does not carry out installation work in homes.
- o The business is a small family operation with 3 full time family members and 1 part time operative who works 2 days a week.

2.4 The information provided by the applicant did not include times of operation.

### 3.0 PLANNING POLICY

#### 3.1 Site Specific

3.1.1 The site is within an area designated as 'Light Industrial Use' under the Ramsey Local Plan Order 1998, and the site is not within a Conservation Area. The site is prone to High Tidal Flood Risks.

#### 3.2 National: STRATEGIC PLAN (2016)

- a. General Policy 2 - 'Development Control' considerations.
- b. Strategic Policy 1 - Efficient use of land and resources.
- c. Transport Policy 4 - Highway Safety
- d. Transport Policy 7 and Appendix A.7.6 - Parking Provisions.
- e. Business Policy 5 - Permission will be given only for industrial or for storage and distribution on land for industrial use; retailing will not be permitted except where either:
  - (a) the items to be sold could not be sold from a town centre location because of their size or nature; or
  - (b) the items to be sold are produced on the site and their sale could not be reasonably be severed from the overall business; and,
 in respect of (a) or (b), where it can be demonstrated that the sales would not detract from the vitality and viability of the appropriate town centre shopping area.
- f. Business Policy 7 - New office floor space should be located within town and village centres on land which is zoned for the purpose on the appropriate area plan; with exception of approved Business Parks for Corporate Headquarters and buildings of acknowledged architectural or historic interest.
- g. Business Policy 9 - Supports new retail provision in existing retail areas at a scale appropriate to the existing area and which will not have an adverse effect on adjacent retail areas.
- h. Business Policy 10 - Retail development will be permitted only in established town and village centres, with the exceptions of neighbourhood shops in large residential areas and those instances identified in Business Policy 5.
- i. Strategic Policy 9 - All new retail development (excepting neighbourhood shops and those instances identified in Business Policy 5) and all new office development (excepting corporate headquarters suitable for a business park(1) location) must be sited within the town and village centres on land zoned for these purposes in Area Plans, whilst taking into consideration Business Policies 7 and 8.

### 4.0 PLANNING HISTORY

4.1 The application site has not been the subject of any recent planning application, although the unit was developed as part of a proposal for the Erection of six light industrial units under PA 86/00921/B, which was approved in 1 Jan 1994.

4.2 Other historic developments relevant to the unit include an application for Approval in principle to development of industrial units with access, circulation and parking under PA 86/00622/A - APPROVED.

4.3 Other planning application which are not directly related to the application site but within the adjoining units and considered relevant to the proposed scheme include:

- o Approval in principle to change of use from factory units to bakery, Units 2 and 4 - PA 88/01344/A - APPROVED.

- o PA 89/00039/A for Approval in principle to change of use from factory to mixed industrial and retail use, Unit 10 - Approved.

- o PA 00/00592/C for Change of use of industrial unit to coast guard station - Approved.

- o Approval was granted in 2016 for Change of use from light industrial to a gym under PA 16/01386/C. The Planning Officer in recommending approval noted that "the estate generates a variety of different users to the business in the estate and this traffic is generally day time and week day traffic and as such there is likely to be capacity on the roadways and adjacent parking areas to accommodate any vehicles which cannot be accommodated on the site such that there will not be an adverse impact on the highway network in the vicinity of the site."

## 5.0 REPRESENTATIONS

Copies of representations received can be viewed on the Government's website. This report contains summaries only.

5.1 DOI Highways find the proposal to have no significant negative impact upon highway safety, network functionality and/or parking (12 January 2024).

5.2 Ramsey Town Commissioners and the neighbouring properties have not made any comments as at the time of writing the report.

## 6.0 ASSESSMENT

6.1 Key Issues to be considered in the assessment of this application are:

- i. Principle of Development;
- ii. Traffic Impacts / parking provision; and
- iii. Impact on Neighbouring Properties

### 6.2 Principle of Development (BP 5, 7 and 10, GP2)

6.2.1 In assessing the principle of the proposed additional retail and office use, it is considered that Business Policies 5 and 10 of the Strategic Plan are clear in placing restrictions on the sale of goods from premises in industrial areas. The application site sits within an area of Light Industrial use on the Ramsey Local Plan, as such this restriction is applicable. However, the exceptions to Business Policy 5 are for the retail sale of items that could not reasonably be sold from a town centre location, because of their size or nature; or for the retail sale of items that are produced on the site (which does not apply in the present case).

6.2.2 Further to Business Policies 5 and 10, Paragraph 9.2.6 of the Strategic Plan also gives examples of items that cannot generally be sold from a town centre location. These include motor vehicles, builders' materials, and agricultural equipment and feed; which are indicative of the size and type of items that would come within the scope of the exception allowed by

Business Policy 5a. Traditionally such items are not traded from town centre shops, due to their size and nature.

6.2.3 In the case of the current proposal, a number of the items to be traded from the unit would be bulky items that cannot be easily sold within town centre locations. Likewise, the location of the unit within an industrial area which ends in a cul de sac, situated away from the town centre would ensure that it does not attract business from the town centre or adversely impact on the vitality of the Ramsey Town centre. It is also vital to note that the floor area available for the retail use only takes up a small proportion of the floor area available within the unit which measures about 92.4sqm.

6.2.4 With regard to the proposed use of part of the light industrial unit as an office (Class 2.1), it is noted that office use should, according to Business Policy 7 and Strategic Policy 9, be directed towards existing town and village centres. Whilst the proposed office use is a deviation from the approved industrial use, it is unlikely that the additional low-level use for a small office business would generate materially harmful impacts beyond any impacts already associated with the existing light industrial use, particularly as the office area only measures about 20 percent of the total floor area. Therefore, no objection is therefore raised on this ground.

### 6.3 Traffic Impacts / Parking Provision (TP 4 and 7, & GP2)

6.3.1 In assessing the potential highway safety/ parking impacts, the key concern lies in the potential impacts of the additional office and retail element, on the adjacent industrial units.

6.3.2 With regard to parking concerns, the site has provision of six off road parking spaces for visitors/staff at the site. Moreover, the existing and additional uses are unlikely to generate significant number of customers at any one time and it is considered the applicants comments that they generally have no more than four customers a day is reasonable, particularly as the showroom is currently only open Wednesdays to Fridays, although it is noted that the intention is to increase this to Mondays to Fridays. Besides, the industrial area has provision for general parking outside those provided for the individual units, which points to the fact that provision is made for general parking requirements. Furthermore, no comments have been made by the neighbours to oppose the scheme or raise issues with the proposal in terms of parking concerns.

6.3.3 In terms of deliveries to the site, it is not considered that the proposal would increase considerably the amount of deliveries to the site as the retail use is only to give customers an opportunity to show customers the equipment that the business can provide. In addition, the site position relative to the highway (situated off the major highway and within a dead end), and the size of the units here; which would not attract a large number of visitors would ensure there are no concerns with parking or highway safety.

6.3.4 Equally, it is important that DOI Highways considers that the proposal does not raise significant road safety or highway network functionality/parking issues. Therefore, it is considered that this element of the scheme complies with the requirements of the aforementioned policies.

### 6.4 Impact on Neighbouring Properties (GP 2)

6.4.1 The current industrial use has unrestricted hours of operation, and it is not considered that the proposed additional use as an office/retail use would diminish the existing levels of amenity of occupiers of neighbouring buildings. Besides, the existing businesses and units have operation allow for uncontrolled visitor access, with the location of the unit where visits have to be intentional would ensure that any impacts in terms of visitor numbers and consistency would not be sufficient to warrant refusal of the proposal. It is, therefore, not

considered relevant to impose a condition restricting hours of operation, although it would be vital that the days of operation would be controlled to accord with the submissions made for the application.

## 7.0 CONCLUSION

7.1 Overall, it is considered that the development proposed would have no significant adverse impacts upon public or private amenities while the use of the site for the proposed additional office and retail use would not impact adversely on the viability of the Ramsey Town centre. Accordingly, the proposal would comply with Strategic Policies 1, Business Policy 5, 7 and 10, General Policy 2, and Transport Policies 4 & 7 of the Isle of Man Strategic Plan 2016 and therefore the application is recommended for an approval.

## 8.0 INTERESTED PERSON STATUS

8.1 By virtue of the Town and Country Planning (Development Procedure) Order 2019, the following persons are automatically interested persons:

- (a) the applicant (including an agent acting on their behalf);
- (b) any Government Department that has made written representations that the Department considers material;
- (c) the Highways Division of the Department of Infrastructure;
- (d) Manx National Heritage where it has made written representations that the Department considers material;
- (e) Manx Utilities where it has made written representations that the Department considers material;
- (f) the local authority in whose district the land the subject of the application is situated; and
- (g) a local authority adjoining the authority referred to in paragraph (f) where that adjoining authority has made written representations that the Department considers material.

8.2 The decision maker must determine:

- o whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
- o whether there are other persons to those listed above who should be given Interested Person Status.

## PLANNING AUTHORITY AGENDA FOR 11th March 2024

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### Item 5.6

**Proposal :**                    **Erection of stable block on existing concrete base (retrospective), construction of equestrian manege and change of use of field**

**Site Address :**            **Land Adjacent To Ocean View  
Baltic Road  
Kirk Michael  
Isle Of Man  
IM6 1EF**

**Applicant :**                **Miss Kathryn Ions**

**Application No. :**        **23/01400/B- [click to view](#)**

**Planning Officer :**       **Mrs Vanessa Porter**

**RECOMMENDATION: To APPROVE the application**

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### **Recommended Conditions and Notes for Approval**

#### **C : Conditions for approval**

#### **N : Notes (if any) attached to the conditions**

C 1. The development hereby approved shall be begun before the expiration of four years from the date of this decision notice.

Reason: To comply with Article 26 of the Town and Country Planning (Development Procedure) Order 2019 and to avoid the accumulation of unimplemented planning approvals.

C 2. In the event that the stable building and manege approved is no longer used or required for the stabling of horses, the stable building and its associated hardstanding shall be removed and the ground restored to its former condition within 12 months of the date the use ceased.

Reason: The stable building has been exceptionally approved solely to meet the specific need based on the information provided and its subsequent retention without that need would result in an unwarranted stable building in the countryside.

C 3. The building hereby approved must be used only for equestrian purposes in association with the residential dwelling Ocean View, and shall not be used for any commercial use or commercial purposes.

Reason: The application has been assessed on this private use only as requested in the application for the stabling of horses and keeping of equipment and feed in association with the horses.

C 4. The change of use of land to private equestrian use relates only to the area outlined in red as shown on Site Location Plan received 29th November 2023.

Reason: The application has been assessed on this area only for private equestrian use.

C 5. In the event that the stable building is removed in line with C2 above, the equestrian use of the land must also cease.



Reason: the equestrian use of the land is considered on an exceptional basis for the need for horse grazing and in the event that need ceases the land shall also revert to its original use and purpose.

C 6. For the avoidance of doubt there shall be no permanent siting or any external storage of any horse jumps, horse boxes or any other associated equestrian paraphernalia on the land edged red on the Site Location Plan received 29th November 2023.

Reason: The application has been assessed on the change of use of the fields for general exercise and grazing only and not for any other use. In the interest of ensuring no overspill of equestrian equipment over the fields in the interest of visual amenity.

C 7. There shall be no external lighting at the site unless full lighting plan details have been first submitted to and approved in writing by the Department, such details shall include position of lights, level of illumination and cowl details. Any external lighting shall then only be installed in full accordance with the approved lighting plan.

Reason: For the avoidance of doubt and to ensure no harm to the surrounding countryside.

Reason for approval:

It is concluded that the planning application would not harm the use and enjoyment of neighbouring properties or the highway network and would comply with aforementioned planning policies of the Isle of Man Strategic Plan 2016.

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### **Interested Person Status – Additional Persons**

None

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### **Planning Officer's Report**

THIS APPLICATION IS REFERRED TO THE COMMITTEE AS IT COULD BE REGARDED A DEPARTURE FROM THE DEVELOPMENT PLAN AND IS RECOMMENDED FOR APPROVAL

#### THE SITE

1.1 The application site comprises of the property Ocean View and the adjacent field to the South/ South East of the site. The development is focused particularly to the South West of the site within the adjacent field. Ocean View as a whole is situated on the Western side of Baltic Road within Kirk Michael.

1.2 The field in question is irregular in shape and bounded by field to the South East and South West, a road to the North East and to the North West, a long barn in connection with the dwelling and an orchard.

1.3 The site overall site ranges from South to North from 124.43m above sea level to 129.91m above sea level.

#### THE PROPOSAL

2.1 The current application seeks approval for the following items, firstly for the erection of a building for the purposes of housing horses, secondly for the creation of a ménage for the training and exercising of horses and thirdly respectively for a concrete pad.

2.2 The proposed stable block is to be sited to the North Western part of the field in question and measures approximately 14.3m by 11m and is situated in a C shape. The proposed stable block is to have a hay/feed area, an all year field shelter, three stable blocks, a tack/store area and an open fronted farrier/ wash bay. The proposed materials are for the main body of the stable block is to be shiplap cladding with the roof being black onduvilla tiles.

2.3 To the South East of the site is a proposed manège, which is to measure 20m by 40m, enclosed by a 1.1m post and rail perimeter fencing. Due to the height of the land, the ground floor level of the proposed manège is approximately 2.5m higher than the ground level of the proposed stable block.

2.4 The planning statement states the following regarding reasoning, "We currently have 3 horses based in temporary winter livery & sporadic summer grazing and need to bring them closer to us permanently. We would like to be able to house and exercise them with the proposal, utilizing the existing concrete base - leaving the remainder of the field area for grazing. We have additional land to long term and are in the midst of purchase of further land. All detailed in additional documents & appendix.

The current buildings (garage & tool shed) on the land cannot be used for equine housing due to their dimensions, layout & entrances (not being safely to BHS equine regulations). They cannot be used for food/bedding/ tack storage due to their location and lack of suitable material & watertight roofing."

#### PLANNING HISTORY

3.1 The site has had several applications upon it of which the most relevant is PA23/00454/B which was for "Erection of stable block on existing concrete base, construction of Equestrian Manege and change of use of field," and was Refused for the following reasoning;

R1 - The Department is not satisfied that there is sufficient justification for the proposed building to warrant setting aside the presumption against development outside areas zoned for development. Furthermore, the proposed size and isolated position within the countryside is not considered appropriate and would harm the character and quality of the landscape. As such, the proposal is concluded to represent unwarranted development that is detrimental to the amenity of the countryside contrary to the provision of General Policy 3(g) and Environment Policies 1, and 21 of the Isle of Man Strategic Plan 2016.

#### PLANNING POLICY

4.1 The application site is designated partly as "Open Space (Agriculture)" on the Kirk Michael Local Plan 1994 map and an area "not designated for development" upon the 1982 Development Plan, North Map, the site is not within a Conservation Area nor a Flood Risk Zone.

#### 4.2 KIRK MICHAEL LOCAL PLAN

4.2.1 Due to the development works being within the area designated upon the Kirk Michael Local Plan, Policy No. 12.4 is relevant and states, "With the exception of areas already proposed for development use, no areas of open space should be released for development."

#### 4.3 ISLE OF MAN STRATEGIC PLAN

4.3.1 The following policies from the Strategic Plan are relevant to the assessment of this application.

##### Strategic Policy

- 1 Efficient use of land and resources
- 2 Priority for new development to identified towns and villages
- 5 Design and visual impact

##### Spatial Policy

- 5 Development only in countryside in accordance with General Policy 3
- General Policy
- 2 General Development Considerations
- 3 Exceptions to development in the countryside
- Environment Policy
- 1 Protection of the countryside
- 15 Development of agricultural buildings in the countryside
- 19 Equestrian development
- 21 Development for stabling or shelter of animals in the countryside
- Transport Policy
- 4 Highways safety

## REPRESENTATIONS

5.1 The following representations can be found in full online, below is a short summary;

5.2 No comments have been received from Highway Services at the time of writing this report.

5.3 No comments have been received by Michael Commissioners at the time of writing this report.

## ASSESSMENT

6.1 The main issues to consider in the assessment of this planning application are;

- Principle
- Need
- Character and appearance - stable block
- Character and appearance - manège
- Highway Impact

## 6.2 PRINCIPLE

6.2.1 The starting point with any application within land designated as "not for development" is whether the proposal would comply with the relevant planning policies in connection with the site designation.

6.2.2 As stated above the site falls within an area not zoned for development on both the Kirk Michael Local Plan 1994, and the 1982 Development Plan, as such there is a general presumption against development within the countryside with development to be focussed towards defined settlements in accordance with Spatial Policy 5.

6.2.3 Section 4 of this report highlights that there is a provision within the Isle of Man Strategic Plan for equestrian related development as an exception to the presumption against development in the countryside. Paragraph 7.15.1 of the Isle of Man Strategic Plan 2016 recognises that equestrian activities are becoming increasingly popular and may have an adverse impact on the character and appearance of the countryside.

6.2.4 Section 4 of this report highlights that there is a provision within the Isle of Man Strategic Plan for equestrian related development as an exception to the presumption against development in the countryside. Paragraph 7.15.1 of the Isle of Man Strategic Plan 2016 recognises that equestrian activities are becoming increasingly popular and may have an adverse impact on the character and appearance of the countryside. Among other things, sensitive siting and high standards of design, construction, and maintenance are necessary to ensure that there are no such impacts. This is followed by Environment Policy 19 which allows for the development of equestrian activities in the countryside where there would be no loss of local amenity, no loss of high-quality agricultural land and where they

would be no highways issues and Environment Policy 21 which resists the construction of stables in rural areas where they would be detrimental to the character and appearance of the countryside in terms of siting, design, size and finish. Any new buildings must be designed in form and materials to reflect their specific purpose. This is then followed by Environment Policy 20 which indicates that there will be a presumption against large scale equestrian developments, which includes new buildings and external arenas, in areas with High Landscape or Coastal Value and Scenic Significance unless under exceptional circumstances.

6.2.5 As identified within the Isle of Man Strategic Plan 2016, equestrian activities can only be situated within the open, rural countryside, as such the general principle of equestrian is acceptable. Whilst this is the case, it is necessary to assess whether the siting, scale, character is acceptable in relation to the surrounding countryside and whether there are any other impacts from the proposal.

### 6.3 NEED

6.3.1 The application seeks to have equestrian use of the land outlined in red on the location plan received, it should be noted that the likelihood of the land to the North and North West of the proposal (stated as garden) is unlikely to be used as equestrian and the main siting for the equestrian use is to the East and South of the dwelling. The proposal also includes the erection of a stable block which is to have three stables, one open all year round stable, a hay/ feed store, a tack/ store and an open fronted farrier/ wash bay.

6.3.2 The applicants have stated within their covering letter that they currently own "3 horses based in temporary winter livery & sporadic summer grazing and need to bring them closer to us permanently. We would like to be able to house and exercise them with the proposal, utilising the existing concrete base - leaving the remainder of the field area for grazing. We have additional land to long term lease and are in the midst of purchase of further land."

6.3.3 The British Horse Society recommends for a pony a minimum stable space of 3.05m x 3.05m is required and for a horse a minimum stable requirement of 3.65m by 3.65m to be provided, the proposal within this application includes three stables, two of which measure 3.66 by 3.581 and one which measures 5.499 by 3.63m, as such from this point of view the stables are sized to meet the basic needs of a horse.

6.3.4 Having noted that the existing outbuilding on the site cannot be used for the storage of tack/ hay & feed, the proposed areas within the stable block are deemed acceptable for the proposal.

6.3.5 The all-weather shelter has been explained by the applicant as being required due to the location of the site and the climate that surrounds the site during certain times of the year e.g. snow.

6.3.6 It should be noted that there is additional information within this application which was not provided within the previously refused application which includes land which is rented by the applicants for their houses to graze upon.

6.3.7 Overall whilst having regard to the health of the applicant's animals, and noting that the existing outbuilding is not suitable for stabling and the area of land which is rented by the applicants for the grazing of their horses, with the additional parts of the stable being explained fully, it is considered that the need for a stable of the size sought has been acceptably demonstrated in this case.

### 6.4 CHARACTER AND APPEARANCE - STABLE BLOCK

6.4.1 When looking at the character and appearance of the proposed stable block it can be seen to be a timber build which is of a scale and height of a typical stable block which can be seen all over the island.

6.4.2 Any views of the proposed stable block will be from a distance, with any views of the proposal being read in the context of its surrounding and as such it would not be seen as unduly intrusive or an incongruous feature in the countryside here, nor would it break the skyline or have a dominating visual impact.

## 6.5 CHARACTER AND APPEARANCE - MANÉGE

6.5.1 Turning towards the proposed manege, the proposed manege is to be located directly between the proposed stables and a field used for the exercising and grazing of horses, as such it would be deemed a complimentary use on close association. Whilst the manege would take a large amount of the existing field, the applicant has shown that they rent a large amount of fields in the surrounding area and as such, the installation of the manege, noting that conditions will be attached that if it is no longer used it will be required to be removed, would have a minimal impact upon the countryside. In this instance, it is considered the proposal by its close proximity to the proposed stables whilst remain sympathetic to the rural landscape, would meet the exception under General Policy 3(f) and Environmental policy 15.

6.5.2 It should be noted that initially there will be some groundworks to assist in the ground being flat and the creation of sod banks. Whilst this is the case it would not be considered that this would have a detrimental impact on the area and given the close proximity to the stables, with the two being read in conjunction and legible for what their use and intentions area.

6.5.3 It is ascertained from the drawings that the surface will be a reinforced sand finish which will ensure that the riding surface can drain and is a finished surface suitable for horse riding. The proposal does not include any illumination, and due to the location a condition should be attached to state that no lighting is used to minimize any impact on the surrounding area and landscape.

6.5.4 On the whole, the proposal is not considered to have any greater impact on the surrounding area or countryside than the existing stables building and is deemed acceptable in accordance with Environmental policy 1 and 21.

## 6.6 CHANGE OF USE OF FIELD

6.6.1 Turning towards the proposed use of the field adjacent to the proposed ménage as equestrian use. Equestrian use of land is not in this instance an agricultural use, as such it would constitute development requiring an application. The proposed equestrian use of the land in this instance would provide suitable grazing area for the keeping of any horses and would be without the loss of any high quality agricultural land.

6.6.2 Soil classification maps indicate this area as being Class 3, so while the proposal results in the loss of a fairly sizable area of grazed field this is not considered to be unacceptable in terms of Environment Policy 19, and there still remains notable area to accommodate a continued grazing of horses.

6.6.3 Minded that reverting back to an agricultural use could happen at any time given agriculture use does not constitute development and can be undertaken without the need for a planning application in line with The Town and Country Planning Act 1999. For the avoidance of doubt a condition revoking any external storing of horse jumps or any other similar horse exercising equipment is necessary given the application has not sought approval for any of these within the fields.

## 6.7 HIGHWAY IMPACT

6.7.1 In relation to the impacts on highway safety, it is noted that whilst proposal is expected to generate some level of traffic relative to its scale of operations, the scale of activities on site (given the nature of the holding), would not be so adverse as to warrant refusal of the scheme on highway grounds.

6.7.2 Given that no comments have been raised from Highway Services and the application does not create a new or alters an existing access and is not having additional users entering or existing the site, the proposal is deemed to align with the principles of General Policy 2 (h & i), Transport Policy 4, and Environment Policy 19.

## CONCLUSION

7.1 For the above reasons, it is concluded that the planning application would not harm the use and enjoyment of neighbouring properties or the highway network and would comply with aforementioned planning policies of the Isle of Man Strategic Plan 2016 and is recommended for approval.

## INTERESTED PERSON STATUS

8.1 By virtue of the Town and Country Planning (Development Procedure) Order 2019, the following persons are automatically interested persons:

- (a) the applicant (including an agent acting on their behalf);
- (b) any Government Department that has made written representations that the Department considers material;
- (c) the Highways Division of the Department of Infrastructure;
- (d) Manx National Heritage where it has made written representations that the Department considers material;
- (e) Manx Utilities where it has made written representations that the Department considers material;
- (f) the local authority in whose district the land the subject of the application is situated; and
- (g) a local authority adjoining the authority referred to in paragraph (f) where that adjoining authority has made written representations that the Department considers material.

8.2 The decision maker must determine:

- o whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
- o whether there are other persons to those listed in Article 6(4) who should be given Interested Person Status.